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सं० 13]

नई दिल्ली, शनिवार, मार्च 28, 1981/चैत्र 7, 1903

No. 13]

NEW DELHI, SATURDAY, MARCH 28, 1981/CHAITRA 7, 1903

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए संविधिक
आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

नई दिल्ली, 23 मई, 1980

आय-कर

का०आ० 994.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि भारतीय कृषि अनुसंधान परिषद् नई दिल्ली ने आयकर नियम, 1962 के उपनियम (2क) के प्रयोजनों के लिए निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित कर दिया है।

1. वैज्ञानिक अनुसंधान परियोजना: भारत के मूल जल और मृदा में धातुएं
2. (क) किमने प्रायोजित किया: हिन्दुस्तान लीवर लिमिटेड, मुम्बई
3. (ख) कहाँ प्रायोजित किया गया: जवाहर लाल नेहरू विश्व-विद्यालय (वातावरण विज्ञान विद्यालय) नई दिल्ली

4. अनुसंधान प्रयोजन की अवधि: 1-4-1980 से तीन वर्ष
5. प्राक्कलित व्यय: 89,000 रु०

2 जवाहर लाल नेहरू विश्वविद्यालय (वातावरण विज्ञान विद्यालय), नई दिल्ली को आयकर अधिनियम, 1961 की धारा 35 (1) (ii), के अधीन अनुमोदित किया गया है। देखिए अधिसूचना सं० 475(फा० सं० 203/27/73-आई०टी० ए० II तारीख 26-9-1973.

[सं० 3395 (फा० सं० 203/190/78-आई०टी० ए० II)]

MINISTRY OF FINANCE
(Department of Revenue)

New Delhi, the 23rd May, 1980

INCOME TAX

S.O. 994.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of the Income-tax Rules, 1962 by the Indian Council of Agricultural Research, New Delhi.

- | | |
|---------------------------------|--|
| 1. Scientific Research Project: | Metals in surface waters and soils of India. |
|---------------------------------|--|

2. Sponsored (a) by : Hindustan Lever Ltd., Bombay
 3. Sponsored (b) at : Jawaharlal Nehru University
 (School of environmental
 Sciences), New Delhi.
 4. Duration of Research Project : 3 years w.c.f. 19-4-1980
 5. Estimated expenditure : Rs. 89,000/-

2. The Jawaharlal Nehru University, (School of environmental Sciences), New Delhi stands approved under section 35(1)(ii) of the Income-tax Act, 1961 by Notification No. 475 (F.No. 203/27/73-ITA II dated 26-9-1973).

[No. 3395 (F. No. 203/190/79-ITA. II)]

शुद्धि पत्र

नई दिल्ली, 14 जुलाई, 1980

का०आ० 995.—राजस्व विभाग अधिसूचना सं० 3395, तारीख 23-5-80 में निम्नलिखित संशोधन करता है :—

“भारत के भू जल और मृदा में धातुएं” के स्थान पर
 “भारत के भू जल और मृदा में लेश-तत्व और उनके रूप” पढ़ें।

[सं० 3546/फा०सं० 203/190/78-आई०टी०ए-II]

जे० पी० शर्मा, निमित्त निदेशक

CORRIGENDUM

New Delhi, the 14th July, 1980.

S.O. 995.—The Department of Revenue hereby amend the notification No. 3395 dated 23-5-80 as under:—

FOR

READ

- (i) F.No. 203/190/79-ITA. II F.No. 203/190/78-ITA. II
 (ii) Metals in surface waters “Trace Elements and their
 soils of India. Forms in Surface Water and
 Soils of India.”

[No. 3546/F. No. 203/190/78-ITA-II]

J.P. SHARMA, Director

नई दिल्ली, 19 जून, 1980

का०आ० 996.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 80 छ की उपधारा 2 (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एम्माचि-वेदु मूर्ति मन्दिर क्यूलोन, केरल राज्य को, उक्त धारा के प्रयोजनों के लिए केरल राज्य में सर्वत्र विख्यात लोक पूजा का स्थान अधिसूचित करती है।

[सं० 3479/फा०सं० 176/2/80—आ०क० (एI)]

बी० एम० सिंह, अवसर सचिव

New Delhi, the 19th June, 1980

S.O. 996.—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies Ammachivedu Moorthi Temple, Quilon, Kerala State, to be a place of public worship of renown throughout the State of Kerala for the purposes of the said section.

[No. 3479/F. No. 176/2/80-IT(AI)]

B. M. SINGH, Under Secy.

नई दिल्ली, 14 नवम्बर, 1980

का०आ० 997.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आयकर नियम, 1962 के नियम 6(iv) के साथ पठित आयकर अधिनियम, 1962 की धारा 35 की उपधारा (2-क) के प्रयोजनों के लिए नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है।

- वैज्ञानिक अनुसन्धान कार्यक्रम कृषि उत्पादों और केसीन का का नाम : सौर तत्व वायु शुष्कन
- प्रायोजक का नाम : मेमर्स ज्योति लि०, बड़ोदा
- कार्यान्वयन-प्रयोगशाला : बिड़ला विश्वकर्मा-महाविद्यालय (इंजीनियरी महाविद्यालय) बल्लभ विद्यानगर
- आरम्भ होने की प्रस्तावित तारीख : 1-10-1980
- समाप्त होने की संभावित तारीख : 30-9-1982
- प्राप्तकलित व्यय : 1. 20 लाख रुपए

2 बिड़ला विश्वकर्मा महाविद्यालय (इंजीनियरी कालेज, बिद्या बल्लभनगर, वित्त मंत्रालय (राजस्व विभाग) की अधिसूचना सं० 2639 (फा० सं० 203/165/78-आई टी ए II) तारीख 6-1-1979 द्वारा आयकर अधिनियम, 1961 की धारा 35(1) (ii) के अधीन अनुमोदित है।

[सं० 3739/फा०सं० 203/142/80-आई टी ए-II]

New Delhi, the 14th Nov., 1980

S.O. 997.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of Section 35 of the Income-tax Act, 1961 read with rule 6 (iv) of the Income-tax Rules, 1962 by the Secretary Department of Sciences & Technology, New Delhi.

Name of the scientific research programme : Solar of air drying of Agricultural products and casein.
 Name of the Sponsor : M/s. Jyoti Ltd., Baroda.
 Implementing Laboratory : Birla Vishvakarma Mahavidhalaya (Engineering College), Vallabh Vidyanagar.

Proposed date of commencement : 1-10-1980.
 Likely date of completion : 30-9-1982.
 Estimated outlay : Rs. 1.20 lakhs.

2. Birla Vishvakarma Mahavidyalaya (Engineering College) Vidya Vallabh Nagar stands approved under section 35(1) (ii) of the Income-tax Act, 1961 vide Ministry of Finance (Department of Revenue), Notification No. 2639, F.No. 203/165/78-ITA. II-dt. 6-1-1979.

[No. 3739/F.No. 203/142/79-ITA.II]

फा०आ० 998.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विधि प्राधिकारी अर्थात् सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आयकर नियम, 1962 के नियम 6(iv) के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (2-क) के प्रयोजनों के लिए नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है।

1 वैज्ञानिक अनुसंधान परियोजना का नाम—परियोजना सं० (i) विनिर्माण की प्रक्रिया में उपयोग के लिए जीवभार/गोबर गैस का अनुप्रयोग/माडलों के गढ़ने के साथ-साथ कर्म-चारिवृन्द और कर्मचारों का कल्याणः

(i) एच ई टी कारखाने में उपयोग के लिए जीव भार ऊर्जा के अनुप्रयोग का अध्ययन, और

(ii) लघु गोबर गैस संयंत्र को अभिकल्पना करता। परियोजना सं० (2)—हाथ के औजारों के विनिर्माण की प्रक्रिया में सूर्य ऊर्जा के अनुप्रयोग की परीक्षा, कर्मचारों की केन्टीन के लिए प्रशोधित जल की व्यवस्था करना और अनुसंधान पर आधारित उपयुक्त माडलों की अभिकल्पना और विरचना।

2 प्रायोजक का नामः हिन्दुस्तान एवरेस्ट टूल्स लिमि०, नई दिल्ली

3 कार्यान्वित करने वाली प्रयोगशालाः भारतीय प्रौद्योगिकी संस्थान, नई दिल्ली।

4 आरम्भ होने की तारीखः 1-4-1980

5 समाप्त होने को संभावित तारीखः 31-3-1981

6 प्राक्कल्पित परिव्ययः परियोजना सं० 31,000 रु० परियोजना सं० 33,000 रु०

2 भारतीय प्रौद्योगिकी संस्थान, नई दिल्ली आय-कर अधिनियम, 1961 की धारा 35 (1) (ii) के अधीन अनुमोदित है। देखिए, वित्त मंत्रालय (राजस्व पक्ष) की अधिसूचना सं० 1502 (फा०सं० 203/122/76-आई टी ए) तारीख 25-9-76।

[सं० 3740/फा०सं० 203/239/80-आई टी ए II]

S.O. 998.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of Section 35 of the Income-tax Act, 1961 read with rule 6(iv) of Income-tax Rules, 1962, by prescribed authority, the Secretary, Department of Science & Technology, New Delhi.

1	2
Name of the Scientific research programme :	Project No. (1) Application of Bio-mass/Gobar Gas for use in the process of manufacturing/welfare of staff and workers alongwith fabrication of models:
	(i) Study of the application of bio-mass energy for use in the factory of HET and
	(ii) Designing of a miniature gobar gas plant.

1	2
	Project No. (2) Examination of application of Solar Energy in the process of manufacture of hand tools, providing chilled water to workers' canteen, design and fabrication of suitable models based on the research.
Name of the Sponsorer :	Hindustan Everest Tools Ltd., New Delhi.
Implementing Laboratory :	Indian Institute of Technology, New Delhi.
Proposed date of commencement :	1-4-1980.
Likely date of completion :	31-3-1981.
Estimated Outlay :	Project No. (1) Rs. 31,000. Project No. (2) Rs. 73,000.

2. Indian Institute of Technology, Delhi stands approved under section 35(I)(ii) of the Income-tax Act, 1961, vide Ministry of Finance (Revenue Wing) Notification No. 1502 (F.No. 203/122/76 ITA.II dt. 25-9-1976).

[No. 3740/F.No. 203/239/80-ITA. II]

फा०आ० 999.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्; भारतीय आयुर्विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को आय का नियम, 1962 के नियम 6(ii) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में “वैज्ञानिक अनुसंधान संगम” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

- (1) यह कि प्रतिष्ठान चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिमाब पृथक रूप से रखेगा।
- (2) यह कि प्रतिष्ठान प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्रारूपों में प्रस्तुत करेगा, जो इस प्रयोजन के लिए अधिकृत किए जाएं और उसे सूचित किए जाएं।
- (3) यह कि प्रतिष्ठान प्रत्येक वर्ष के लिए लेखाओं का वार्षिक संपरीक्षित विवरण परिषद् को प्रति वर्ष 31 मई तक भेजेगा और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आय-कर आयुक्त को भेजेगा।

संस्था

परिवार नियोजन प्रतिष्ठान, नई दिल्ली

यह अधिसूचना 31-12-1979 से 31-12-1982 तक तीन वर्ष के अवधि के लिए प्रभावी होगी।

[सं० 3742/फा०सं० 203/160/80-आई टी ए II]

S.O. 999.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, the prescribed authority for the purposes of clause(ii) of sub-section(i) of Section 35 of the Income-tax Act, 1961, read with rule 6(ii) of the Income-tax Rules, 1962 under the category of 'Scientific research association' in the field of medical research, subject to the following conditions :—

- (1) That the Foundation will maintain a separate account of the sums received by it for scientific research in the field of medical research.
- (2) That the Foundation will furnish annual return of its scientific research activities to the Council for each year by 31st May, each year at the latest in such form as may be laid down and intimated to them for this purpose.
- (3) That the Foundation will furnish a copy of the annual audited statement of accounts to the Council for each year by 31st May each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION

Family Planning Foundation, New Delhi.

This notification is effective for a period of 3 years from 31-12-1979 to 31-12-1982.

[No. 3742/F. No. 203/160/80-ITA. II]

का०आ० 1000.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आय-कर नियम, 1962 के नियम 6(iv) के साथ पठित आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (2-क) के प्रयोजनों के लिए नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है।

- 1 वैज्ञानिक अनुसंधान कार्यक्रम का नाम। एथिलीन आक्साइड और एथिलीन ग्लाइकोल परियोजना—एथिलीन आक्साइड का उत्प्रेरकी वाष्प प्रावस्था आक्सीकरण और एथिलीन ग्लाइकोल के एथिलीन आक्साइड का द्रव जलयोजन
- 2 प्रायोजक का नाम इंजीयनर्स इंडिया लि०, नई दिल्ली।
- 3 कार्यान्वित करने वाली प्रयोगशाला राष्ट्रीय रासायनिक प्रयोगशाला, पुणे।
- 4 आरम्भ होने की प्रस्तावित तारीख 1-5-1980
- 5 समाप्त होने की संभावित तारीख 1-5-1983
- 6 प्राक्कलित परिव्यय 26 लाख रु०

2 राष्ट्रीय रासायनिक प्रयोगशाला, पुणे, सी एस आई आर की जो आय-कर अधिनियम, 1922 की धारा 10(2)(xiii) के अधीन अनुमोदित है, एक यूनिट है। देखिए भूतपूर्व वित्त विभाग की अधिसूचना सं० 34, तारीख 23-11-1976 [सं० 3743/का०सं० 203/255/80-आई० टी ए II]

S.O. 1000.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of Section 35 of the Income-tax Act, 1961, read with Rule 6(iv) of the Income-tax Rules, 1962, by the Secretary, Department of Science & Technology, New Delhi.

Name of the scientific research programme :	Ethylene oxide and Ethylene Glycol project—Catalytic vapour phase oxidation of ethylene oxide and liquid phase hydration of ethylene oxide of ethylene glycol.
Name of the sponsorer :	Engineers India Ltd., New Delhi.
Implementing Laboratory :	National Chemical Laboratory, Poona.
Proposed date of commencement :	1-5-1980.
Anticipated date of completion :	1-5-1983.
Estimated outlay :	Rs. 26.00 lakhs.

2. National Chemical Laboratory, Poona is a unit of CSIR which stands approved under section 10(2)(xiii) of the Income-tax Act, 1922 vide late Finance Department Notification No. 34, dt. 23-11-1946.

[No. 3743/F.No. 203/255/80-ITA. II]

नई दिल्ली, 17 नवम्बर, 1980

का०आ० 1001.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आय-कर नियम, 1962 के नियम 6(iv) के साथ पठित आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (2-क) के प्रयोजनों के लिए नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है।

- 1 वैज्ञानिक अनुसंधान कार्यक्रम का नाम : नेपथीराइडीन और पाइरे-नोन्पाइराइडीन का संश्लेषण इस क्षेत्र में औषधतः सक्रिय योगिकों की खोज।
- 2 प्रायोजक का नाम : हिन्दुस्तान लीवर लिमिटेड, मुम्बई।
- 3 कार्यान्वित करने वाली प्रयोगशाला : विज्ञान संस्थान, मुम्बई
- 4 आरम्भ होने की प्रस्तावित तारीख : 15-10-1980
- 5 समाप्त होने की संभावित तारीख : 14-10-1983
- 6 प्राक्कलित परिव्यय : 3 लाख रु०

2 विज्ञान संस्थान, मुम्बई आय-कर अधिनियम, 1922 की धारा 10(2)(iii) के अधीन अनुमोदित है। देखिए भूतपूर्व विस्त संत्रालय की अधिसूचना सं० 34, तारीख 23-11-1946।

[सं० 3745/फा० सं० 203/171/80-आई टी ए II]

New Delhi, the 17th November, 1980

S.O. 1001.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of Section 35 of the Income-tax Act, 1961, read with rule 6(iv) of the Income-tax Rules, 1962 by the Secretary, Department of Science & Technology, New Delhi.

Name of the Scientific research programme: Synthesis of Naphthyridines and Pyrano-Pyridines. A search for Medicinally active compounds in the field.

Name of the sponsorer: Hindustan Lever Ltd., Bombay

Implimenting laboratory: The Institute of Science, Bombay.

Proposed date of commencement.: 15-10-1980.

Likely date of completion: 14-10-1983.

Estimated outlay: Rs. 3 lakhs.

2. The Institute of Science, Bombay stands approved under section 10(2) (iii) of the I.T. Act, 1922 vide late Finance Department Notification No. 34 dt. 23-11-1946.

[No. 3745/F.No. 203/171/80-ITA.II]

नई दिल्ली, 20 नवम्बर, 1980

फा०आ० 1002.—इस विभाग की अधिसूचना सं० 2368, (फा० सं० 203/74/78-आई टी ए II) तारीख 27-6-1980 के अनुक्रम में सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, भारतीय आयुर्विज्ञान अनुसंधान परिषद्, नई दिल्ली ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए आयुर्विज्ञान अनुसंधान के क्षेत्र में “वैज्ञानिक अनुसंधान संगम” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (i) यह कि संगम आयुर्विज्ञान अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् रूप से रखेगा।
- (ii) यह कि संगम प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्ररूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किए जाएं और उसे सूचित किया जाए।
- (iii) यह कि संगम प्रत्येक वर्ष के लिए लेखाओं का वार्षिक संपरीक्षित विवरण परिषद् को प्रति वर्ष 31 मई तक भेजेगा और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आयकर आयुक्त को भेजेगा।

संस्था

गोवेल न्याम का अरविन्द नेत्र चिकित्सालय, मदुराई

यह अधिसूचना 24-4-1980 से 23-4-1983 तक तीन वर्ष की अवधि के लिए प्रभावी होगी।

[सं० 3747/फा० सं० 203/244/80-आई टी ए II]

New Delhi, the 20th November, 1980

S.O. 1002.—In continuation of this Department's notification No. 2368 (F. No. 203/74/78-ITA. II) dated 27-6-1980 it is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with rule 6(ii) of the Income-tax Rules, 1962 under the category of “scientific research association” in the field of Medical Research subject to the following conditions :—

1. That the Association will maintain a separate account of the sums received by it for medical research.
2. That the Association will furnish annual return of its scientific research activities to the Council by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.
3. That the Association will furnish an annual audited statement of accounts to the Council by 31st May each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION

Aravind Eye Hospital of Govel Trust, Madurai.

The notification is effective for a period of 3 years from 24-4-1980 to 23-4-1983.

[No. 3747/F. No. 203/244/80-ITA. II]

फा०आ० 1003.—इस विभाग की अधिसूचना सं० 2455 (फा० सं० 203/76/78-आई टी ए II), तारीख 22-8-1978 के अनुक्रम में सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, भारतीय आयुर्विज्ञान अनुसंधान परिषद्, नई दिल्ली ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में “वैज्ञानिक अनुसंधान संगम” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (i) यह कि संस्था चिकित्सा अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् रूप से रखेगी।
- (ii) यह कि संस्था प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्ररूपों में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकथित किए जाएं और उसे सूचित किया जाए।
- (iii) यह कि संस्था प्रत्येक वर्ष के लिए लेखाओं का वार्षिक संपरीक्षित विवरण परिषद् को प्रति वर्ष 31 मई तक भेजेगी और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आयकर आयुक्त को भेजेगी।

संस्था

महारागी सेवा समिति, वरोड़ा, महाराष्ट्र

यह अधिसूचना 20-5-1980 से 19-5-1983 तक तीन वर्ष की अवधि के लिए प्रभावी होगी।

[सं० 3748/फा०सं० 203/243/80-आई टी ए II]

S.O. 1003.—In continuation of the Department's notification No. 2455 (F. No. 203/76/78-ITA. II) dated 22-8-1978, it is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of "scientific research association" in the field of Medical Research subject to the following conditions :—

- (1) That the Institution will maintain a separate account of the sums received by it for Medical Research.
- (2) That the Institution will furnish annual returns of its scientific research activities to the Council by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.
- (3) That the Institution will furnish an annual audited statement of accounts to the Council by 31st May, each year and in addition to send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION

Maharogi Sewa Samiti, Warora, Maharashtra.

The notification is effective for a period of 3 years from 20-5-1980 to 19-5-1983.

[No. 3748/F. No. 203/243/80-ITA. II]

नई दिल्ली, 6 दिसम्बर, 1980

का०आ० 1004.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि भारतीय कृषि अनुसंधान परिषद्, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (2-क) के प्रयोजनों के लिए नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है।

- 1 वैज्ञानिक अनुसंधान परियोजना : गुजरात राज्य के किसानों और पिछड़े क्षेत्रों के आदिवासियों द्वारा जनन जीव द्रव्य का संग्रह और/या औषधीय औद्योगिक मूल्य वाली कुछ ऐसी फसलों के पौधों का उत्पादन जिनका वाणिज्यिक रूप से उगाए जाने का महत्व है।
- 2 प्रायोजक (क) : हिन्दुस्तान लीवर लिमिटेड
- 3 प्रायोजन-स्थल (ख) : गुजरात कृषि विश्वविद्यालय, अहमदाबाद
- 4 अनुसंधान परियोजना की अवधि : 1-8-1980 से 3 वर्ष
- 5 प्रावकलित व्यय : 2,99,870 रु०

2. गुजरात कृषि विश्वविद्यालय, अहमदाबाद, अधिसूचना सं० 878 फा०सं० 203/39/75-आई टी ए II

तारीख 18 अप्रैल, 1975 द्वारा आय-कर अधिनियम, 1961 की धारा 35(1)(ii) के अधीन अनुमोदित है।

[सं० 3758/फा०सं० 203/168/80-आई टी ए II]

New Delhi, the 6th December, 1980

S.O. 1004.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purpose of sub-section (2A) of Section 35 of the Income-tax Act, 1961 by the Indian Council of Agricultural Research, New Delhi.

- | | |
|----------------------------------|---|
| 1. Scientific Research Project: | Germ Plasm Collection and/or plant introduction of a few crops with medicinal industrial value which have potential to be grown commercially by farmers and tribals of backward areas of Gujarat State. |
| 2. Sponsored (a) : | Hindustan Lever Limited. |
| 3. Sponsored (b) at: | Gujarat Agricultural University, Ahmedabad. |
| 4. Duration of Research Project: | 3 years with effect from 1-8-1980 |
| 5. Estimated expenditure: | Rs. 2,99,870 |

2. Gujarat Agricultural University, Ahmedabad stands approved under Section 35(1)(ii) of the Income-tax Act, 1961 by Notification No. 878 F. No. 203/39/75-ITA II dated 18-4-75.

[No. 3758/F.No. 203/168/80-ITA-II]

का० आ० 1005.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय आयुर्विज्ञान अनुसंधान परिषद्, नई दिल्ली ने निम्नलिखित संस्था को आय कर नियम, 1962 के नियम 6 (ii) के साथ पठित, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संगम" प्रबन्धों के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

- (i) यह कि संगम चिकित्सा अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् रूप से रखेगा।
- (ii) यह कि संगम प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्ररूपों में प्रस्तुत करेगा, जो इस प्रयोजन के लिए अधिकृत किए जाएं और उसे सूचित किए जाएं।
- (iii) यह कि संगम लेखाओं का वार्षिक संपरीक्षित विवरण परिषद् को प्रति वर्ष 31 मई तक भेजेगा और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आय-कर आयुक्त को भेजेगा।

संस्था

एन० एम० वाडिया इंस्टीट्यूट आफ कार्डियोलोजी, पुणे

यह अधिसूचना 15-10-1980 से 14-10-1983 तक 3 वर्ष की अवधि के लिए प्रभावी है।

[सं० 3759/फा० सं० 203/259/80-आई टी० ए०-II]

S.O. 1005.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of "Scientific Research Association" of the field of Medical Research subject to the following conditions :—

- (i) That the Association will maintain a separate account of the sums received by it for medical research.
- (ii) That the Association will furnish annual return of its scientific research activities to the Council by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.
- (iii) That the Association will furnish a copy of the annual audited statement of accounts to the Council by 31st May each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION

N. M. Wadia Institute of Cardiology, Poona.

The notification is effective for a period of 3 years from 15-10-1980 to 14-10-1983.

[No. 3759/F. No. 203/259/80-JTA. II]

नई दिल्ली, 26 दिसम्बर, 1980

फा० आ० 1006.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है किहित प्राधिकारी अर्थात् भारतीय आयुर्विज्ञान अनुसंधान परिषद्, नई दिल्ली ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आयकर नियम, 1962 के नियम 6 (iv) के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (2-क) के प्रयोजनों के लिए नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है।

1. वैज्ञानिक अनुसंधान कार्यक्रम "प्राथमिक स्वास्थ्य देखरेख में सामुदायिक विकलांग और पुनर्वासन कार्यक्रम के लिए समुचित योजना का विकास"
2. प्रायोजन स्थल : हस्तीमल सांचेती स्मारक न्यास, पुणे
3. प्रायोजक : (1) भारतीय कटलर हैमर लिमिटेड, सुभाष रोड, कलकत्ता
(2) ईस्ट इंडिया कर्माशियल कम्पनी (प्रा०) लिमिटेड नई दिल्ली-110001
(3) बजाज टेम्पो लिमिटेड आकुर्वी, पुणे-411017

(4) मैसर्स जी० बी० गोकल एण्ड कम्पनी, कस्तूरी विल्डिंग मुम्बई, 400020

(5) मैसर्स चेभेट, डॉ० डी० एन० रोड, मुम्बई

(6) मैसर्स राजमल लखी चन्द एण्ड कं०, जलगांव

(7) मैसर्स अहमद एफ फजलभाई प्रा० लिमिटेड, मुम्बई

4. परियोजना अवधि : 24 दिसम्बर, 1980 से 23 दिसम्बर, 1990 तक दस वर्ष

5. कुल प्राक्कलित व्यय : 97,32,088 केवल (सत्तानवे लाख बत्तीस हजार अठ्ठासी रुपए)

उपर्युक्त परियोजना के लिए अनुमोदन निम्नलिखित शर्तों के अधीन रहने हुए होगा:—

- (1) यह कि न्यास इस परियोजना के लिए प्राप्त रकम और उपगत व्यय का, हस्तीमल सांचेती स्मारक न्यास, पुणे के अन्य व्यय से सुभिन्न पृथक् लेखा रखेगा।
- (2) यह कि न्यास इस वैज्ञानिक अनुसंधान परियोजना की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।
- (3) यह कि न्यास प्रत्येक वर्ष के लिए संपरीक्षित वार्षिक लेखा विवरण परिषद् को 31 मई तक भेजेगा और इसके अनिश्चित एक प्रति संबद्ध आयकर आयुक्त को भेजेगा।

हस्तीमल सांचेती स्मारक न्यास, पुणे, वित्त मंत्रालय, राजस्व विभाग की अधिसूचना सं० 3647 (फा० सं० 203/212/80-आई टी० ए० II तारीख 1-9-1980) द्वारा आयकर अधिनियम, की धारा 35 (1) (ii) के अधीन अनुमोदित किया गया है।

[सं० 3768/फा० सं० 203/289/80-आई टी० ए०-II]

New Delhi, the 26th December, 1980

S.O. 1006.—It is hereby notified for general information that the following scientific research programmes have been approved for the period specified below for the purposes of sub-section (2A) of section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the Income-tax Rules, 1962 by the Prescribed Authority, the Indian Council of Medical Research, New Delhi:—

1. Name of the Scientific Research Programme: "Development of Appropriate Strategies for community orthopaedics and Rehabilitation Programme in Primary Health Care".

2. Sponsored at: Hastimal Sancheti Memorial Trust, Pune.
3. Sponsored by:
1. Bharatia Cutler Hammer Ltd., Subhash Road, Calcutta.
 2. East India Commercial Company (P) Ltd., New Delhi-110001.
 3. Bajaj Tempo Ltd., Akurdi, Pune-411017.
 4. M/s. G.V. Gokal and Co., Kasturi Building, Bombay-400020.
 5. M/s. Chemet, Dr. D.N. Road, Bombay.
 6. M/s. Rajmal Lakhichand & Co., Jalgaon.
 7. M/s. Ahmed F. Fazalbhoy Pvt. Ltd., Bombay.
4. Duration of Projects: 10 years from 24th Dec. 1980 to 23rd Dec. 1990.
5. Total estimated expenditure : Rs. 97,32,088/- (Rs. ninety seven lakhs thirty two thousand and eighty-eight only).

The approval for the above project will be subject to the following conditions:—

1. That the Trust will maintain a separate account of the amounts received and expenditure incurred for this research project as distinct from the other expenditure of the Hastimal Sancheti Memorial Trust, Pune.
2. That the Trust will furnish annual returns of this scientific research project to the Council by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.
3. That the Trust will furnish a copy of the annual audited statement of account to the Council by 31st May each year and in addition to send a copy of it to the concerned Income-tax Commissioner.

The Hastimal Sancheti Memorial Trust, Pune has been approved under section 35(1)(ii) of the I.T. Act, vide Min. of Finance, Department of Revenue Notification No. 3647 (F. No. 203/212/80-ITA. II dated 1-9-1980).

[No. 3768/F.No. 203/289/80-ITA.II]

नई दिल्ली, 27 दिसम्बर, 1980

का०आ० 1007.—सर्व साधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 (vi) के साथ पठित, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए प्राकृतिक या आनुप्रयोगिक विज्ञान के क्षेत्र में “संगम” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

(i) यह कि भास्कराचार्य प्रतिष्ठान, पुणे प्राकृतिक या आनुप्रयोगिक (कृषि/पशुपालन/मात्स्यकी और औषधि से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त प्रतिष्ठान प्रत्येक वर्ग के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्रारूपों में प्रस्तुत करेगा जो हम प्रयोजन के लिए अधिकृत किए जाएं और उसे सूचित किए जाएं।

(iii) यह कि उक्त प्रतिष्ठान प्रत्येक वर्ष के लिए वार्षिक विवरणी और लेखा विवरण आयकर आयुक्त को प्रति वर्ष 30 अप्रैल तक भेजेगा।

संस्था

भास्कराचार्य प्रतिष्ठान, पुणे

यह अधिसूचना 24-9-1980 से 23-9-1983 तक तीन वर्ष की अवधि के लिए प्रभावी है।

[सं० 3778/फा० सं० 203/287/80-आईटी० ए० II]

एम० के० पाण्डेय, उप सचिव

New Delhi, the 27th December, 1980

S.O. 1007.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (i) of section 35 of the Income-tax Act, 1961, read with Rule 6(vi) of the Income-tax Rules, 1962 under the category ‘Association’ in the area of other natural or applied sciences, subject to the following conditions:—

1. That the Bhaskaracharya Pratishthan, Pune, will maintain separate account of the sums received by it for scientific research in the field of natural or applied sciences other than agricultural/animal husbandry/fisheries and medicines.

2. That the said Pratishthan will furnish the annual return of its scientific research activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

3. That the said Pratishthan will submit the annual return and statement of accounts to the Commissioner of Income-tax every year by 30th April.

INSTITUTION

Bhaskaracharya Pratishthan, Pune.

This notification is effective for a period of 3 years from 24-9-1980 to 23-9-1983.

[No. 3778/F. No. 203/287/80-ITA. II]

M. K. PANDEY, Dy. Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 14 नवम्बर, 1980

का० आ० 1008.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्रीय प्रत्यक्षकर बोर्ड ने निम्नलिखित संस्था को, आयकर अधिनियम, 1961 की धारा 35B की उपधारा (2) के खण्ड (क) के प्रयोजनों के लिए प्रौद्योगिकी, इंजीनियरी, इलेक्ट्रॉनिक और प्रबंध परामर्श के क्षेत्र में अनुमोदित किया है।

संस्था

बह्राम वाडिया एण्ड एसोसियेट्स, पुणे।

यह अनुमोदन 21-6-1980 से प्रभावी है।

[सं० 3741/फा० सं० 203/209/80-आईटी० ए० II]

एम के पाण्डेय, सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 14th November, 1980

S.O. 1008.—It is hereby notified for general information that the Institution mentioned below has been approved by the Central Board of Direct Taxes for the purposes of clause (a) of sub-section (2) of section 35D of the Income-tax Act, 1961 in the field of Technological, Engineering Electronics and Management Consultancy.

INSTITUTION

Behram Wadia and Associates, Poona.

The approval takes effect from 21-6-1980.

[No. 3741/F. No. 203/209/80-ITA. II]

M. K. PANDEY, Secy.

(राजस्व विभाग)

नई दिल्ली, 27 नवम्बर, 1980

का.प्रा. 1009—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “संजय गांधी स्मारक न्यास, नई दिल्ली” को निर्धारण वर्ष 1981-82 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं. 3753/फा.सं. 197/223/80-आई.टी. (ए. I)]

(Department of Revenue)

New Delhi, the 27th November, 1980

S.O. 1009.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Sanjay Gandhi Memorial Trust, New Delhi” for the purpose of the said section for the assessment year 1981-82.

[No. 3753/F. No. 197/223/80-IT(AI)]

नई दिल्ली, 5 दिसम्बर, 1980

का.प्रा. 1010—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 80छ की उपधारा (2) (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री बालमुर्गन तिरुक्कोयिल, रत्नागिरी, उत्तरी आर्काट जिला को तमिलनाडु में सर्वज्ञ विख्यात लोक पूजा का स्थान अधिसूचित करती है।

[सं. 3757/फा.सं. 176/26/80-आ. क. (ए-I)]

New Delhi, the 5th December, 1980

S.O. 1010.—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Shri Balamurugan Thirukkoil, Rathanaigiri, N. A. Distt., to be a place of public worship of re-known throughout the State of Tamil Nadu.

[No. 3757/F. No. 176/26/80-IT(AI)]

नई दिल्ली, 27 दिसम्बर, 1980

का.प्रा. 1011—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “इमेनुयल फुल गोस्पेल मिशन ट्रस्ट, रासीपुरम, सलेम जिला” को निर्धारण वर्ष 1978-79 से 1981-82 के अंतर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं. 3772/फा.सं. 197/146/80-आ.क. (ए I)]

New Delhi, the 27th December, 1980

S.O. 1011.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Emmanuel Full Gospel Mission Trust, Rasiapuram, Salem District” for the purpose of the said section for the period covered by assessment years 1978-79 to 1981-82.

[No. 3772/F. No. 197/146/80-IT(AI)]

का.प्रा. 1012—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

1442 GI/80-2

“इण्डिया इन्टरनेशनल सेंटर” को निर्धारण वर्ष 1962-63 से 1981-82 तक के लिए जिनके अंतर्गत निर्धारण वर्ष 1975-76 और 1976-77 नहीं हैं जिनके लिए सेंटर पहले से अधिसूचित किया गया है, देखिए बोर्ड की अधिसूचना सं. 1987/फा.सं. 197/63/77-आ.क. (ए 1) तारीख 20-9-77 उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं. 3773/फा.सं. 197/132/78-आ.क. (ए I)]

S.O. 1012.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “India International Centre” for the purpose of the said section for the assessment years 1962-63 to 1981-82 except for 1975-76 and 1976-77 for which the Centre already stands notified vide Board's Notification No. 1987 (F. No. 197/63/77-IT(AI) dt. 20-9-77.

[No. 3773/F. No. 197/132/78-IT(AI)]

नई दिल्ली, 31 दिसम्बर, 1980

का.प्रा. 1013.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23 ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “महाराणा प्रताप स्मारक समिति, उदयपुर” को निर्धारण वर्ष 1978-79 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं. 3783/फा.सं. 197/184/79-आ.क. (ए I)]

New Delhi, the 31st December, 1980

S.O. 1013.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Maharana Pratap Smarak Samiti, Udaipur” for the purpose of the said section for the period covered by assessment years 1978-79 to 1984-85.

[No. 3783/F. No. 197/184/79-IT(AI)]

नई दिल्ली, 3 जनवरी, 1981

का.प्रा. 1014—केन्द्रीय सरकार, आयकर अधिनियम 1961 (1961 का 43) की धारा 10 की उपधारा (23 ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “श्री श्री विजयकृष्ण आश्रम रिलीफ सोसाइटी” को निर्धारण वर्ष 1975-76 से 1981-82 तक के अंतर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं. 3785/फा.सं. 197/32/78-आ.क. (ए I)]

New Delhi, the 3rd January, 1981

S.O. 1014.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Sri Sri Bijoykrishna Ashram Relief Society” for the purpose of the said section for the period covered by Assessment Years 1975-76 to 1981-82.

[No. 3785/F. No. 197/32/78-IT(AI)]

नई दिल्ली, 6 जनवरी, 1981

का.प्रा. 1015—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23 ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, "दा लोटस ट्रस्ट" को निर्धारण वर्ष 1979-80 से 1981-82 तक के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3787/फा० सं० 197/128/80-आ० क० (ए-1)]

New Delhi, the 6th January, 1981

S.O. 1015.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Lotus Trust" for the purpose of the said section for the period covered by assessment years 1979-80 to 1981-82.

[No. 3787/F. No. 197/128/80-IT(AI)]

नई दिल्ली, 16 जनवरी, 1981

का० आ० 1016.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23 ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "चिल्ड्रन्स बुक ट्रस्ट नई दिल्ली" को निर्धारण वर्ष 1978-79 से 1981-82 तक के अंतर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3808/फा० सं० 197/66/80-आ० क० (ए० 1)]

New Delhi, the 16th January, 1981

S.O. 1016.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Children's Book Trust, New Delhi" for the purpose of the said section for the period covered by assessment years 1978-79 to 1981-82.

[No. 3808/F. No. 197/66/80-IT(AI)]

नई दिल्ली, 22 जनवरी, 1981

का० आ० 1017.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 80छ की उपधारा (2) (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ब्रह्ममिणु कासी विश्वनाथस्वामी मन्दिर, अप्पा कूडल, तमिलनाडु को उक्त धारा के प्रयोजनों के लिए तमिलनाडु राज्य में सर्वत्र विख्यात लोक पूजा का स्थान अधिसूचित करती है।

[सं० 3815/फा० सं० 176/52/80-आ० क० (ए-1)]

New Delhi, the 22nd January, 1981

S.O. 1017.—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies Arulmigu Kasi Viswanathaswamy Temple, Appakudal, Tamil Nadu, to be a place of public worship of renown throughout the State of Tamil Nadu for the purposes of the said Section.

[No. 3815/F. No. 176/52/80-IT(AI)]

का० आ० 1018.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 80छ की उपधारा (2)(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, माम्बा महादेव मन्दिर, पाकखाना इरयामकुडी, जिला त्रिचूर (केरल) को, उक्त धारा के प्रयोजनों के लिए केरल राज्य में सर्वत्र विख्यात लोक पूजा का स्थान अधिसूचित करती है।

[सं० 3816/फा० सं० 176/68/80-आ० क० (ए-1)]

S.O. 1018.—In exercise of the powers conferred by Sub-Section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies Mambra Mahadeva Temple, P.O. Erayamkudi, Trichur District (Kerala) to be a place of public worship of renown throughout the State of Kerala for the purposes of the said section.

[No. 3816/F. No. 176/68/80-IT(AI)]

नई दिल्ली, 30 जनवरी, 1981

का० आ० 1019.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 80छ की उपधारा (2) (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तिरुकावु दुर्गा भगवती मन्दिर पौन्नानी, जिला मल्लापूरम, केरल राज्य को, केरल राज्य में सर्वत्र विख्यात लोक पूजा का स्थान अधिसूचित करती है।

[सं० 3822/फा० सं० 176/4/81-आ० क० (ए० I)]

New Delhi, the 30th January, 1981

S.O. 1019.—In exercise of the powers conferred by sub-section (2)(b) of section 80G of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies Thrikavu Durga Bhagawathy Temple, Ponnani, Malapuram District, Kerala State to be a place of public worship of renown throughout the State of Kerala.

[No. 3822/F. No. 176/4/81-IT(AI)]

का० आ० 1020.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 80छ की उपधारा (2) (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री राजगोपालस्वामी कुलसेक रालवार मन्दिर, मन्नारकोइल, तालुक अम्वासमुद्रम जिला तिरुनेलवेली को तमिलनाडु राज्य में सर्वत्र विख्यात लोक पूजा का स्थान अधिसूचित करती है।

[सं० 3823/फा० सं० 176/9/81-आ० क० (ए-1)]

S.O. 1020.—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies Sri Rajagopalaswamy Kulasekara Alwar Temple, Mannarkoil, Ambasamudram Tq. Tirunelveli District to be a place of public worship of renown throughout the State of Tamil Nadu.

[No. 3823/F. No. 176/9/81-IT(AI)]

का० आ० 1021.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23 ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "इण्डियन डेरी एसोसिएशन, नई दिल्ली" को निर्धारण वर्ष 1977-78 से 1981-82 तक के अंतर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3824/फा० सं० 197/181/79-आ० क० (ए I)]

S.O. 1021.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government

hereby notifies "Indian Dairy Association, New Delhi" for the purpose of the said section for the period covered by assessment years 1977-78 to 1981-82.

[No. 3824/F. No. 197/181/79-IT(AI)]

शुद्धि-पत्र

का०आ० 1022.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अपनी अधिसूचना सं० 2120(फा०सं० 197/120/77-आ०क०(ए० I), तारीख 12-1-78 का निम्नलिखित संशोधन करती है।

"पीपुल्स एक्शन फार डिवेलपमेंट (इण्डिया) महाराष्ट्र स्टेट कमेटी" के स्थान पर "पीपुल्स एक्शन फार डिवेलपमेंट (महाराष्ट्र)" पढ़ें।

[सं० 3825/फा०सं० 197/45/80 आ०क० (ए-I)]

CORRIGENDUM

S.O. 1022.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment to its notification No. 2120 (F. No. 197/120/77-IT(AI) dt. 12-1-78.

For "People's Action for Development (India) Maharashtra State Committee."

Read "Peoples Action for Development (Maharashtra)".

[No. 3825/F. No. 197/45/80-IT(AI)]

का०आ० 1023.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'इण्डो अरब सोसाइटी, मुम्बई' को निर्धारण वर्ष 1976-77 से 1981-82 तक के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3826/फा०सं० 197/126/80-आ०क० (ए-I)]

S.O. 1023.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Indo-Arab Society, Bombay" for the purpose of the said section for the period covered by assessment years 1976-77 to 1981-82.

[No. 3826/F. No. 197/126/80-IT(AI)]

नई दिल्ली, 12 फरवरी, 1981

का०आ० 1024.—केन्द्रीय सरकार आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'अहमदाबाद टेक्सटाइल मिल्स फाउण्डेशन' को निर्धारण वर्ष 1977-78 से 1981-82 तक के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3841/फा०सं० 197/148/79-आ०क०(ए-I)]

New Delhi, the 12th February, 1981

S.O. 1024.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government

hereby notifies "Ahmedabad Textile Mills Foundation" for the purpose of the said section for the period covered by assessment years 1977-78 to 1981-82.

[No. 3841/F. No. 197/148/79-IT(AI)]

नई दिल्ली, 13 फरवरी, 1981

का०आ० 1025.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "इण्डियन पीपुल्स फैमिन ट्रस्ट" को निर्धारण वर्ष 1981-82 से 1982-83 तक के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3849/फा०सं०/197/7/81 आ०क०(एI)]

New Delhi, the 13th February, 1981

S.O. 1025.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indian People's Famine Trust" for the purpose of the said section for the period covered by assessment years 1981-82 to 1982-83.

[No. 3849/F. No. 197/7/81-IT(AI)]

नई दिल्ली, 16 फरवरी, 1981

का०आ० 1026.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "महिपत्राम रुपराम आश्रम, अहमदाबाद" को निर्धारण वर्ष के 1975-76 से 1981-82 तक के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3853/फा०सं० 197/32/80-आ०क० (ए-I)]

New Delhi, the 16th February, 1981

S.O. 1026.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Mahipatram Rupram Ashram, Ahmedabad" for the purpose of the said section for the period covered by assessment years 1975-76 to 1981-82.

[No. 3853/F. No. 197/32/80-IT(AI)]

का०आ० 1027.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'आर्मी वाइव्स वेलफेयर एसोसिएशन, पुणे' को निर्धारण वर्ष 1976-77 से 1981-82 तक के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3854/फा०सं० 197/73/80-आ०क०(ए-I)]

S.O. 1027.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Army Wives Welfare Association, Pune" for the purpose of the said section for the period covered by assessment years 1976-77 to 1981-82.

[No. 3854/F. No. 197/73/80-IT(AI)]

नई दिल्ली, 25 फरवरी, 1981

का०आ० 1028.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'श्री राम चन्द्र मिशन, शाहजहाँपुर (उत्तर प्रदेश)' को निर्धारण वर्ष 1975-76 से 1981-82 के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3891/फा० सं० 197/138/78-आ०क० (ए-1)]

New Delhi, the 25th February, 1981

S.O. 1028.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Shri Ram Chandra Mission, Shahjahanpur (U.P.)' for the purpose of the said section for the period covered by assessment years 1975-76 to 1981-82.

[No. 3891/F. No. 197/138/78-IT(AI)]

का०आ० 1029.—केन्द्रीय सरकार, आय कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'सर कस्रो वाडिया ट्रस्ट फंड, मुम्बई' को निर्धारण वर्ष 1969-70 से 1981-82 के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3892/फा० सं० 197/73/78-आ०क० (ए-1)]

S.O. 1029.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sir Cusrow Wadia Trust Fund, Bombay" for the purpose of the said section for the period covered by assessment years 1969-70 to 1981-82.

[No. 3892/F. No. 197/73/78-IT(AI)]

का०आ० 1030.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'डिवीन लाइट स्कूल फार दि ब्लाइन्ड ट्रस्ट, बंगलूर' को निर्धारण वर्ष 1981-82 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3893/फा० सं० 197/212/80-आ०क० (ए-1)]

S.O. 1030.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Divine Light School for the Blind Trust, Bangalore' for the purpose of the said section for the assessment year 1981-82.

[No. 3893/F. No. 197/212/80-IT(AI)]

का०आ० 1031.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'दि फोरम आफ फानैशनल राइटर्स' को निर्धारण वर्ष 1977-78 से 1981-82 के अन्तर्गत आने

वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3894/फा० सं० 197/207/80-आ०क० (ए-1)]

S.O. 1031.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'The Forum of Financial Writers' for the purpose of the said section for the period covered by assessment years 1977-78 to 1981-82.

[No. 3894/F. No. 197/207/80-IT(AI)]

नई दिल्ली, 27 फरवरी, 1981

का०आ० 1032.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'कैंसर पेशेंट्स एड एसोसिएशन' को निर्धारण वर्ष 1982-83 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3895/फा० सं० 197/19/81-आ०क० (ए-1)]

New Delhi, the 27th February, 1981

S.O. 1032.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Cancer Patients Aid Association" for the purpose of the said section for the assessment year 1982-83.

[No. 3895/F. No. 197/19/81-IT(AI)]

का०आ० 1033.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "नवाजवाई रत्न टाटा ट्रस्ट" को निर्धारण वर्ष 1978-79 से 1981-82 के अन्तर्गत आने वाली अवधि के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3896/फा० सं० 197/37/79-आ०क० (ए-1)]

S.O. 1033.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Navajbai Ratan Tata Trust" for the purpose of the said section for the period covered by assessment years 1978-79 to 1981-82.

[No. 3896/F. No. 197/37/79-IT(AI)]

नई दिल्ली, 3 मार्च, 1981

का०आ० 1034.—केन्द्रीय सरकार, आय-कर अधिनियम 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'इन्डियन पालियामेंटरी ग्रुप' को निर्धारण वर्ष 1981-82 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3898/फा० सं० 197/11/81-आ०क० (ए-1)]

New Delhi, the 3rd March, 1981

S.O. 1034.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government

hereby notifies 'Indian Parliamentary Group' for the purpose of the said section for the assessment year 1981-82.

[No. 3898/F. No. 197/11/81-IT(AI)]

नई दिल्ली, 6 मार्च, 1981

का०आ० 1035.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "दि चर्च ऑफ नार्थ इण्डिया काउन्सिल फार चाइल्ड केयर" को निर्धारण वर्ष 1981-82 के लिये उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3901/फा०सं० 197/101/78-आ०क० (ए-1)]

New Delhi, the 6th March, 1981

S.O. 1035.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Church of North India Council for Child Care" for the purpose of the said section for the assessment year 1981-82.

[No. 3901/F. No. 197/101/78-IT(AI)]

आ०आ० 1036.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "ईस्ट बाम्बे भारत स्काउट्स एण्ड गाइड्स डिस्ट्रिक्ट एसोसिएशन" को निर्धारण वर्ष 1977-78 से 1980-81 के अन्तर्गत आने वाली अवधि के लिये उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3902/फा०सं० 197/50/80-आ०क० (ए-1)]

S.O. 1036.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "East Bombay Bharat Scouts and Guides District Association" for the purpose of the said section for the period covered by assessment years 1977-78 to 1980-81.

[No. 3902/F. No. 197/50/80-IT(AI)]

नई दिल्ली, 18 मार्च, 1981

का०आ० 1037.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "राजस्थान सेवा संघ, जयपुर" को निर्धारण वर्ष 1981-82 से 1982-83 तक के अन्तर्गत आने वाली अवधि के लिये उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3909/फा०सं० 197/41/81-आ०क० (ए-1)]

New Delhi, the 18th March, 1981

S.O. 1037.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Rajasthan Go-Seva Sangh, Jaipur" for the purpose of the said section for the period covered by assessment years 1981-82 and 1982-83.

[No. 3909/F. No. 197/41/81-IT(AI)]

का०आ० 1038.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "दि लक्ष्मणभूला लेप्रोजी डिस्पेंसरी एण्ड रिहैबिलिटेशन सेंटर" को निर्धारण वर्ष 1982-83 के लिये उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3910/फा०सं० 197/40/81-आ०क० (ए-1)]

S.O. 1038.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Lakshmanbhula Leprosy Dispensary and Rehabilitation Centre" for the purpose of the said section for the assessment year 1982-83.

[No. 3901/F. No. 197/40/81-IT(AI)]

नई दिल्ली, 19 मार्च, 1981

का०आ० 1039.—केन्द्रीय सरकार, आय-कर अधिनियम 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "अखिल भारत अनुसूचित-जाति परिषद्, नई दिल्ली" को निर्धारण वर्ष 1981-82 के लिये उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3911/फा०सं० 197/263/80-आ०क० (ए-1)]

बी० बी० श्रीनिवासन, उप-सचिव

New Delhi, the 19th March, 1981

S.O. 1039.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notified "Akhil Bharat Anusuchit-Jati Parishad, New Delhi" for the purpose of the said section for the assessment year 1981-82.

[No. 3911/F. No. 197/263/80-IT(AI)]

V. B. SRINIVASAN, Dy. Secy.

केन्द्रीय प्रत्यक्ष-कर बोर्ड

नई दिल्ली, 21 नवम्बर, 1980

आयकर

का० आ० 1040.—केन्द्रीय प्रत्यक्ष-कर बोर्ड, आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, समय-समय पर यथा संशोधित अधिसूचना सं० 679 (फा० सं० 187/2/74 आई० टी० (ए० आई०), तारीख 20-7-1974 में सलग्न अनुसूची में निम्नलिखित संशोधन करता है।

अनुसूची में क्रम सं० 4 और 4-क के सामने स्तम्भ 1, 2, और 3 के नीचे की विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएंगी:—

अनुसूची

क्रम संख्या	आय-कर आयुक्त	मुख्यालय	अधिकारिता
1	2	3	4
4	पटना	पटना	1. संपदा शुल्क तथा आयकर अधिकार, पटना

1	2	3	4
			2. आयकर सफिल-I, पटना
			3. आयकर सफिल-II, पटना
			4. विशेष अन्वेषण सफिल, पटना
			5. विशेष अन्वेषण सफिल, मुजफ्फरपुर
			6. आयकर सफिल, बिहार शरीफ
			7. आयकर सफिल, आरा
			8. आयकर सफिल, भागलपुर
			9. आयकर सफिल, मुंगेर
			10. आयकर सफिल, मुजफ्फरपुर
			11. आयकर सफिल, छपरा
			12. आयकर सफिल, दरभंगा
			13. आयकर सफिल, सासाराम
			14. आयकर सफिल, पुर्णिया
			15. आयकर सफिल, बेतिया
			16. आयकर सफिल, मोतीहारी
			17. आयकर सफिल, बेगुसराय
			18. आयकर सफिल, सहरसा
			19. आयकर सफिल, देवघर
			20. आयकर सफिल, सीतामढ़ी (मुख्यालय मुजफ्फरपुर)
4क	रांची	रांची	1. संपदा-शुल्क तथा आयकर सफिल, रांची
			2. आयकर सफिल-I, रांची
			3. आयकर सफिल-II, रांची
			4. आयकर सफिल-III, जमशेदपुर
			5. आयकर सफिल, डालटेन-गंज
			6. आयकर सफिल-I, धनबाद
			7. आयकर सफिल-II, धनबाद
			8. विशेष सफिल, धनबाद
			9. आयकर सफिल, बोकोरा
			10. आयकर सफिल, हजारी-बाग
			11. आयकर सफिल, गया
			12. आयकर सफिल, गिरीडीह
			13. पहले और दूसरे आयकर कार्यालय का विशेष रेंज, रांची

1	2	3	4
			14. तीसरे और चौथे आयकर कार्यालय की विशेष रेंज, रांची

यह अधिसूचना 1-12-1980 से प्रभावी होगी।

[सं० 3750/फा० सं० 189/10/79-आई टी (ए आई)]

वी० बी० श्रीनिवासन, सचिव, केन्द्रीय प्रत्यक्ष कर बोर्ड

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 21st November, 1980

INCOME TAX

S.O. 1040.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the schedule appended to the Notification No. 679/F. No. 187/2/74-IT(AI) dated 20-7-1974 as amended from time to time.

Existing entries under columns 1, 2 & 3 against serial Nos. 4 and 4-A in the Schedule shall be substituted by the following entries:—

SCHEDULE

S. No.	Commissioner of Income Tax	Head-quarters	Jurisdiction
1	2	3	4
4. Patna	Patna	1. Estate Duty-cum-I.T. Circle, Patna.	
		2. Income-tax Circle-I, Patna.	
		3. Income-tax Circle-II, Patna.	
		4. Spl. Investigation Circle, Patna.	
		5. Spl. Investigation Circle, Muzaffarpur.	
		6. Income-tax Circle, Bihar-sharif.	
		7. Income-tax Circle, Arrah.	
		8. Income-tax Circle, Bhagalpur.	
		9. Income-tax Circle, Monghyr.	
		10. Income-tax Circle, Muzaffarpur.	
		11. Income-tax Circle, Chapra.	
		12. Income-tax Circle, Darbhanga	
		13. Income-tax Circle, Sasaram.	
		14. Income-tax Circle, Purnea.	
		15. Income-tax Circle, Bettiah.	
		16. Income-tax Circle, Motihari.	
		17. Income-tax Circle, Begusarai.	
		18. Income-tax Circle, Saharsa.	
		19. Income-tax Circle, Deoghar.	
		20. Income-tax Circle, Sitamarhi (with Headquarters Muzaffarpur).	
4A. Ranchi	Ranchi	1. Estate-duty-cum-I.T. Circle, Ranchi.	
		2. Income-tax Circle-I, Ranchi.	
		3. Income-tax Circle-II, Ranchi.	
		4. Income-tax Circle, Jamshedpur.	

1	2	3
		5. Income-tax Circle, Dalton-ganj.
		6. Income-tax Circle-I, Dhanbad.
		7. Income-tax Circle-II, Dhanbad.
		8. Spl. Circle, Dhanbad.
		9. Income-tax Circle, Bokaro.
		10. Income-tax Circle, Hazari-bagh.
4A Ranchi	Ranchi	11. Income-tax Circle, Gaya.
		12. Income-tax Circle, Giridih.
		13. 1st & 2nd I.T.O's Spl. Range, Ranchi.
		14. 3rd & 4th I.T.O's Spl. Range, Ranchi.

This Notification shall have effect from 1-12-1980.

[No. 3750/F.No. 189/10/79-IT(AI)]

V. B. SRINIVASAN, Secy.
Central Board of Direct Taxes

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 9 मार्च, 1981

का० आ० 1041.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा इस विभाग के दिनांक 29 अक्टूबर, 1979 की अधिसूचना संख्या एफ० 10-34/77-आर० आर० बी० (I) में निम्नलिखित संशोधन करती है, अर्थात् :

उक्त अधिसूचना में "नार्थ वेंनाड ताल्लुक को छोड़कर मालापुरम जिला तथा कोझिकोड जिला" शब्दों के लिए "मालापुरम तथा कोजीकोड जिले और वेंनाड जिले में साउथ वेंनाड ताल्लुक" शब्दों को प्रतिस्थापित किया जाए।

[संख्या एफ० 10-34/81-आर० आर० बी० (I)]

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 9th March, 1981

S.O. 1041.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in this Department's notification No. F. 10-34/77-RRB (I) dated the 29th October, 1979, namely:

In the said notification, for the words "district of Malappuram and the district of Kozhikode except the taluk of North Wynad" the words "districts of Malappuram and Kozhikode and South Wynad Taluk in the district of Wynad" shall be substituted.

[No. F. 10-34/81-RRB(1)]

का० आ० 1042.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा इस विभाग के दिनांक 29 अक्टूबर, 1979 की अधिसूचना संख्या एफ० 10-34/77-आर० आर० बी० (II) में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में "कैन्ननोर जिला तथा कोजीकोड जिले में नार्थ वेंनाड ताल्लुक" शब्दों के लिए "कैन्ननोर जिला तथा वेंनाड जिले में नार्थ वेंनाड" शब्दों को प्रतिस्थापित किया जाए।

[सं० एफ० 10-34/81-आर० आर० बी० (II)]

दिनेश चन्द्र, निदेशक

S.O. 1042.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in this Department's notification No. F. 10-34/77-RRB(II) dated the 29th October, 1979, namely :

In the said notification, for the words "district of Cannanore and the taluk of North Wynad in the district of Kozhikode" the words "district of Cananore and North Wynad Taluk in the district of Wynad" shall be substituted.

[No. F. 10-34/81-RRB(II)]

DINESH CHANDRA, Director

नई दिल्ली, 12 मार्च, 1981

का० आ० 1043.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषित करती है कि उपर्युक्त अधिनियम की धारा 9 के उपबन्ध 30 जून 1981 तक बारी दोआब बैंक लि०, होशियारपुर (पंजाब) पर उस सीमा तक लागू नहीं होंगे जहां तक कि उनका सम्बन्ध इस बैंक द्वारा प्रेमगढ़, जिला होशियारपुर तथा गांव कोटवाल, जिला फीरोजपुर पंजाब में, भू-संपत्तियों को धारित किये जाने से है।

[सं० 15(5)/81 बी० ओ०—III]

एन० डी० बट्रा, अवसर सचिव

New Delhi, the 12th March, 1981

S.O. 1043.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply upto 30th June 1981 to the Bari Doab Bank Ltd., Hoshiarpur (Punjab) in respect of the landed properties held by it at Premgarh, Hoshiarpur District and at village Kotwal, Ferozepur District Punjab.

[No. 15(5)/81-B.O. III]

N. D. BATRA, Under Secy.

समाहर्तव्य केन्द्रीय उत्पाद शुल्क

बम्बई, 3 मार्च, 1981

क्र० अ० 1044.—केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 5 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, केन्द्रीय उत्पाद शुल्क समाहर्तव्य बम्बई-1 के केन्द्रीय उत्पाद शुल्क अधिकारियों को जैसा कि माथ लगे सारणी के स्तम्भ "3" में उल्लिखित है, अपने अपने क्षेत्राधिकार में माथ लगे सारणी के स्तम्भ "2" में उल्लिखित केन्द्रीय उत्पाद शुल्क के विभिन्न नियमों के अधीन "समाहर्ता" की शक्तियों का प्रयोग करने के लिए प्राधिकृत करता हूँ। शक्तियों का प्रत्यायोजित तत्काल में प्रभावी है और पहले के सभी प्रत्यायोजनों को अधिकार्य करता है।

सारणी

क्रम सं०	के०उ०शु० नियम	प्रत्यायोजित शक्ति का स्वरूप	अधिकारी जिसे प्रत्यायोजित किया गया है	परिमीमा
1	2	3	4	5
1.	3	प्राधिकृत व्यक्ति/एजेंट का अनुमोदन	अधीक्षक	—
2.	9(1)	(i) विनिश्चित स्थान जहाँ उत्पाद शुल्क्य माल उत्पादित, अभिसंधित या विनिश्चित किये जाते हैं तथा उससे जुड़े परिमर	अनुज्ञप्ति जारी करने वाला अधिकारी	—
		(ii) चालू लेखा खोलने की अनुमति	अधीक्षक	—
3.	9(1ए)	चालू लेखा में रकम का निकालना।	सहायक समाहर्ता	—
4.	9बी(3)	सामान्य बन्ध-पत्र की स्वीकृति तथा अनिश्चित बन्ध-पत्र या अनिश्चित प्रतिभूति की मांग	सहायक समाहर्ता	—
5.	12(ए)(3)	समाहर्ता का समाधान	सहायक समाहर्ता	—
6.	12ए(6) तथा (7)	साध्य/सूचना/लेखा पुस्तिका, आदि को मंगाने की शक्ति	सहायक समाहर्ता	—
7.	13	अलग-अलग बन्ध-पत्र की स्वीकृति बी-1 (प्रतिभूति/प्रतिभू) तथा ऐसे बन्ध-पत्र के सम्बन्ध में निर्यात के लिए प्रमाण की स्वीकृति	अधीक्षक	—
8.	14	सामान्य बन्ध-पत्र तथा निर्यात के प्रमाण की स्वीकृति।	सहायक समाहर्ता	—
9.	14ए	(i) निर्यात के लिए प्रमाण प्रस्तुत न करने में शूक पर शास्तिक कार्रवाई।	बी-1 बन्ध पत्र स्वीकार करने वाला अधिकारी।	—
		(ii) आगे निर्यात करने की अनुमति को अस्वीकार करने की शक्ति।	उप-समाहर्ता	—
		(iii) नियम 14 ए के परन्तुक (सी) के अन्तर्गत शक्ति।	बी-1 बन्धपत्र स्वीकार करने वाला अधिकारी।	—
10.	14(बी)(1)	(i) बन्ध-पत्र रकम का 50 प्रतिशत तक अध्यादान।	सहायक समाहर्ता	—
		(ii) बन्ध-पत्र रकम का 75 प्रतिशत तक अध्यादान	उप-समाहर्ता	—
11.	14बी(2)(1)	आगे निर्यात करने को अस्वीकार करने की शक्ति	उप-समाहर्ता	—
12.	18(3)	प्रतिभूति समपहरण (जब) करने की शक्ति	सहायक समाहर्ता	—
13.	27(1)	अनुज्ञप्ति, बन्धपत्र तथा अन्य शर्तों से सम्बन्धित शक्तियों	अनुज्ञप्ति जारी करने वाला अधिकारी	—
14.	30	प्रारम्भिक तोल	उप-समाहर्ता	—
15.	38	अभिसाधन तथा पैकिंग के बाद अविनिमित्त उत्पादों के लिए आवास प्राप्त करना।	अनुज्ञप्ति जारी करने वाला अधिकारी	—
16.	43	नोटिस की प्राप्ति]	अनुज्ञप्ति जारी करने वाला अधिकारी	—
17.	44	घोषणा मांगने की शक्ति	अनुज्ञप्ति जारी करने वाला अधिकारी	—
18.	46	खिन्ट लगाने की शक्ति	—वही—	—
19.	47(1) तथा (3)	भंडार कक्ष के अनुमोदन के लिए छूट	—वही—	—
20.	48	बन्ध-पत्र तथा प्रतिभूति	—वही—	—
21.	50	उत्पाद शुल्क्य माल को ले जाने की अनुज्ञा	अधीक्षक	—
22.	51ए	(i) निम्न प्रकार के मामले	अधीक्षक	—
		(ए) पुनःनिमित्त, परिष्कृत, नवीनीकृत या सुदृढ़ प्रकृति के अन्तर्गत अध्याधीन होने के लिए माल जब प्राप्त/अवधारित होते हैं।		
		(बी) जब शुल्क के भुगतान के बाद भी अवृष्ट परिस्थितियों जैसे बाहक के टूट जाने पर, माल डिब्बों के अनुपलब्ध, आदि के कारण माल नहीं निकाले जा सकते।		

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		(सी) जब शुल्क के भुगतान के बाद निकाले गये मास रेलवे में अस्थायिक बुकिंग के मिलान के कारण वापस लाये जाते हैं।		
		(डी) जब शुल्क प्रदत्त शुल्क्य माल परीक्षण, डिजाइन का अध्ययन, संरचना का रंग जानने के लिए कारखाना में लाये जाते हैं।		
		(इ) जब शुल्क प्रदत्त माल फूटकर बिचरी या मानार्थ उपहार के रूप में कारखाना परिसर में संग्रहीत करने के लिए अनुज्ञात किये जाते हैं।		
		(एफ) जब परेडिक्शन के द्वारा अस्वीकार किये गये शुल्क प्रदत्त माल पुनः वितरण के लिए वापस लाये जाते हैं या क्षतिग्रस्त माल, नुकसान की सीमा को सुनिश्चित करने तथा ऐसे माल के निपटारा का निर्णय करने के लिए कारखाना में लाया जाता है।		
		(ii) उस तरह के मामले तो जिन (i) के अन्तर्गत सहायक समाहर्ता नहीं आते।		---
23.	52	निकासी के लिए आवेदन करने की समय सीमा में घटाव।	सहायक समाहर्ता	---
24.	52 ए	निर्धारित प्रपत्र में द्वार-पत्र के बचने निर्धारितियों के वस्तावेजों की स्वीकृति	सहायक समाहर्ता	---
25.	53	जिन तारीखों को कार्य-व्यापार नहीं है उन तारीखों को भार० जी० I में प्रविष्टि करने की निर्माता को अनुमति।	अधीक्षक	---
26.	54	अन्य उत्पादों के लिए बिबरणी के मांग की शक्ति	उप समाहर्ता	---
27.	56 ए	(i) कार्यबिधि का लाभ उठाने के लिए विनिर्माता को अनुमति देने की शक्ति।	सहायक समाहर्ता	---
		(ii) अनुमति का वापस लेना	उप-समाहर्ता	
28.	56बी	अनुमति की मंजूरी	सहायक समाहर्ता	---
29.	65(3) तथा (4)	न्याय पावती तथा बन्ध पत्र, प्रादि।	सहायक समाहर्ता	---
30.	71(3)	पब्लिशों (लेबल) का अनुमोदन	अधीक्षक	---
31.	75	कार्य-व्यापार के लिए बंटों का निर्धारण	सहायक समाहर्ता	---
32.	85	बिबाद ग्रस्त मामले में इशूशर्कंग-अंग का निर्धारण करने के लिए समाहर्ता द्वारा शक्ति प्रदत्त अधिकारी।	उप मुख्य रसायनज्ञ के० उ० शु०]	---
33.	92ए(1)	प्रथम बिरो, कार्यबिधि आवेदन (ए० एस० पी०) स्वीकार करने की शक्ति।	प्रयोगशाला सम्बन्धी	
		(i) निर्धारित अवधि के लिए	अधीक्षक	
		(ii) निर्धारित अवधि से कम के लिए	सहायक समाहर्ता	---
34.	92 ए(3)	बिरो प्रावधानों का लाभ उठाने से विनिर्माता को माफ करना/प्रचारण करना	सहायक समाहर्ता]	---
35.	92ए(4)	(i) नवीकरण आवेदनों की स्वीकृति	अधीक्षक	---
		(ii) बिरो प्रावधानों का लाभ उठाने से विनिर्माता को माफ करना/प्रचारण करना।		
		(ए) 15 दिन तक	अधीक्षक	---
		(बी) 15 दिन से अधिक	सहायक समाहर्ता	---
36.	92बी	शुल्क की देवदारी की संगणना के प्रयोजनार्थ समाप्त अवधि कार्य का बहिष्करण/अपवर्जन	सहायक समाहर्ता	
37.	92(बी)(3)	अन्यायबिधि के लिए सूचना स्वीकार करना।	अधीक्षक	---
38.	92 सी(2)	साप्ताहिक जमा/आवेदनों की प्रस्तुतीकरण में विलम्ब को माफ करना।		
		(1) साप्ताहिक जमा/आवेदन के सम्बन्ध में दो दिन तक तथा मासिक जमा/आवेदन के सम्बन्ध में 5 दिन तक।	अधीक्षक	---
		(2) उपर्युक्त (1) की अवधि के बाद	सहायक समाहर्ता	---

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39. 92(ई) (III)	विशेष कार्य विधि का लाभ उठाने से वंचित करना।	उप समाहर्ता		---
40. 92-एफ	विशेष कार्यविधि के लिए आवेदन देने में चूक को माफ करना	उप समाहर्ता		---
41. 93(डी) (III)	लपेटन, बाध्य आवश्यक या लेबलों की अनुमोदन	अधीक्षक	अनुमोदित नमूना सहायक समाहर्ता तथा समाहर्ता को भेजे जाएं ; मंडल के अंतर्गत निकाशियों के मामले में।	
42. 96-डी	}	सहायक समाहर्ता	मंडल/समाहर्तालय से बाहर के निवासी के मामले में सभी मामलों में बन्धन-पत्र की स्वीकृति	
43. 96-डीडी		उप समाहर्ता		
44. 96-ई		अधीक्षक		
45. 96-ईई				
46. 96 I(1)	विशेष कार्य विधि आवेदन (ए०एस०पी०) स्वीकार करना।	अधीक्षक		---
47. 96 I(2)	अत्यावधि के लिए विशेष कार्यविधि आवेदन स्वीकार करना।	सहायक समाहर्ता		---
48. 96 I(3)	विशेष प्रावधानों का लाभ उठाने से विनिर्माता को माफ करना/प्रचारण करना।	सहायक समाहर्ता		---
49. 96 I(4)	(i) विशेष कार्यविधि आवेदन (ए०एस०पी०) प्रपत्र में त्रुटिकरण आवेदन स्वीकार करना।	अधीक्षक		---
	(ii) विशेष प्रावधानों का लाभ उठाने से विनिर्माता को माफ करना/प्रचारण करना।	अधीक्षक	15 दिन से अधिक विलम्ब को माफ करने के लिए।	
		सहायक समाहर्ता	15 दिन से अधिक विलम्ब को माफ करने के लिए।	
50. 96 के(2)	आवेदन करने में विलम्ब को माफ करना।	अधीक्षक	निमाही आवेदनों के मामले में 2 दिन तक और वार्षिक आवेदनों के मामले में 10 दिन तक। उपर्युक्त सीमाओं से ऊपर।	
		सहायक समाहर्ता		
51. 96 एम एम एम एम	विशेष कार्यविधि के लिए आवेदन देने में चूक को माफ करना	उप समाहर्ता		---
52. 96-ओ(1)	विशेष कार्यविधि आवेदन (ए०एस०पी०) स्वीकार करना।	अधीक्षक		---
53. 96-ओ(2)	अत्यावधि के लिए विशेष कार्यविधि आवेदन (ए०एस० पी०) स्वीकार करना।	सहायक समाहर्ता		---
54. 96-ओ(3)	विशेष प्रावधानों का लाभ उठाने से विनिर्माता को प्रचारण करना।	सहायक समाहर्ता		---
55. 96 ओ(4)	(i) प्रपत्र विशेष कार्यविधि आवेदन (ए०एस०पी०) में त्रुटिकरण आवेदन स्वीकार करना।	अधीक्षक		---
	(ii) विशेष प्रावधानों का लाभ उठाने के लिए विनिर्माता को माफ करना/प्रचारण करना	अधीक्षक	15 दिन से समाहर्ता अधिक के विलम्ब माफ करने के लिए।	
		सहायक समाहर्ता	15 दिन से अधिक विलम्ब को माफ करने के लिए।	
56. 96-क्यू (1)	परन्तु कु-अलग से मापनाहिक आवेदन देने की अनुमति देना	सहायक समाहर्ता		
57. 96-क्यू (2)	आवेदन/जमा करने में विलम्ब को माफ करना।	अधीक्षक	मापनाहिक आवेदन/जमा के मामले में 1 दिन तक तथा मासिक/निमाही आवेदन और/या जमा के मामले में दो दिन तक। उक्त सीमाओं से ऊपर	
		सहायक समाहर्ता		
58. 96 यू	विशेष कार्यविधि के लिए आवेदन करने की चूक को माफ करना	उप-समाहर्ता		---
59. 96-वाई (1)	विशेष कार्यविधि आवेदन (ए०एस०पी०) स्वीकार करना	अधीक्षक		---
60. 96-वाई(2)	अत्यावधि के लिए विशेष कार्यविधि आवेदन स्वीकार करना।	सहायक समाहर्ता		---
61. 96-वाई (3)	विशेष प्रावधानों का लाभ उठाने से विनिर्माता को माफ करना/प्रचारण करना।	सहायक समाहर्ता		---

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62.	96-वाय (4)	(i) विशेष कार्यविधि आवेदन (ए.एस.पी.) प्रपत्र में नवीकरण आवेदन स्वीकार करना (ii) विशेष प्रावधानों का लाभ उठाने में विनिर्माता को माफ करना/प्रचारण करना	अधीक्षक सहायक समाहर्ता	15 दिन से अधिक बिलम्ब की माफी के लिए 15 दिन से अधिक बिलम्ब माफ करने के लिए 5 दिन तक। उक्त सीमा से ऊपर
63.	96 जेड (2)	आवेदन देने में बिलम्ब को माफ करना	अधीक्षक सहायक समाहर्ता	5 दिन तक। उक्त सीमा से ऊपर
64.	96 जेड जेड जेड जेड	विशेष कार्यविधि के लिए आवेदन देने में चूक को माफ करना।	उप समाहर्ता	---
65.	96 जेड एच (1)	विशेष कार्यविधि आवेदन (ए.एस.पी.) स्वीकार करना करना	अधीक्षक	---
66.	96 जेड एच (2)	अन्वयि के लिए विशेष कार्यविधि आवेदन (ए.एस.पी.) स्वीकार करना।	सहायक समाहर्ता	---
67.	96 जेड एच (3)	विशेष प्रावधानों का लाभ उठाने में विनिर्माता को प्रचारण करना	सहायक समाहर्ता	---
68.	96 जेड एच (4)	(i) प्रपत्र विशेष कार्यविधि आवेदन (ए.एस.पी.) में नवीकरण आवेदन स्वीकार करना (ii) विशेष प्रावधानों का लाभ उठाने में विनिर्माता को माफ करना/प्रचारण करना	अधीक्षक सहायक समाहर्ता	15 दिन से अधिक बिलम्ब की माफी के लिए 15 दिन से अधिक बिलम्ब की माफी के लिए
69.	96 जेड आर्डी (4)	भुगतान करने में हुए बिलम्ब/तथा ठीके को माफ करना	अधीक्षक सहायक समाहर्ता	5 दिन तक उक्त सीमा से ऊपर
70.	96 जेड एम	विशेष कार्यविधि के लिये आवेदन करने में चूक को माफ करना	उप समाहर्ता	---
71.	97	(i) शुल्क वापसी की मंजूरी तथा समाहर्ता का समाधान (ii) माल की वापसी के लिये अवधि की बढ़ोतरी	सहायक समाहर्ता उप समाहर्ता	---
72.	100	शुल्क वापसी के लिये समाहर्ता की शक्तियाँ	सहायक समाहर्ता	---
73.	140	(i) भंडागारण की व्यवस्था के लिये अनुज्ञापित करना तथा नये बन्धन/प्रतिभूति की मांग करना (ii) अनुज्ञापित का प्रतिसंहरण तथा माल निकासी का मिश्रण	अनुज्ञापित जारी करने वाला अधिकारी सहायक समाहर्ता या अनुज्ञापित जारी करने वाला अधिकारी यदि वह सहायक समाहर्ता से पद में बरिष्ठ है	---
74.	145	तम्बाकू से भिन्न माल के भंडागारण की अवधि को बढ़ाने की शक्ति	अधीक्षक सहायक समाहर्ता	नियम के खंड (ए) के अन्तर्गत नियम के खंड (डी) के अन्तर्गत
75.	153	बन्धन-पत्र के संचालन करने की अनुमति तथा बन्धन-पत्र की स्वीकृति की शक्ति	निरीक्षक	---
76.	154	माल को बन्धन-पत्र के अन्तर्गत संचालन की अनुमति, बन्धन-पत्र की स्वीकृति तथा नये बन्धन-पत्र/प्रतिभूति की मांग की शक्ति	अधीक्षक	---
77.	164	(i) असंग-असंग बन्धन-पत्र का निष्पादन (ii) सामान्य बन्धन-पत्र का निष्पादन और नये बन्धन-पत्र/प्रतिभूति/प्रतिभू की मांग	अधीक्षक सहायक समाहर्ता	---
78.	163(2)	प्रथम भुगतान के लिये मांग	अधीक्षक	---
79.	169	भंडागार पत्र की विद्युत्त	उप समाहर्ता	---
80.	173(1ए)	नया लेखा से रकम को निकालने की अनुमति	सहायक समाहर्ता	---
81.	173जी(2) (ii)	द्वार पत्र पर निर्धारित/द्वार भुक्त की दरें तथा रकम न दिखाए जाने की अनुमति की शक्ति	उप समाहर्ता	---

1	2	3	4	5
82.	173(एल) तथा (एम)	(i) माल की बापसी के लिये अवधि को बढ़ाने की शक्ति (ii) अन्य शक्तियाँ	उप समाहर्ता सहायक समाहर्ता	— अंशगारण के संबंध में शिबिरीकरण की स्वीकृति समाहर्ता द्वारा दी जायेगी
83.	173(एम) (5)	बन्ध-पत्र की शर्तें	अधीक्षक	—
84.	173(एम) (6)	पुनर्अंशगारण प्रमाण-पत्र के लिये बन्धने की शक्ति	उप समाहर्ता	—
85.	173(फो) (1) (1)	(i) जिन्हें निर्धारित करने की शक्ति (ii) अल्पावधि में समुचित अधिकारी के समक्ष पैकेजों का प्रस्तुतीकरण	सहायक समाहर्ता अधीक्षक	— —
86.	180	अनुमति का परिवर्तन तथा प्रतिस्थापन	अनुमति जारी करने वाला अधिकारी	—
87.	185	(i) किसी और तरीके से विपणन की अनुमति की शक्ति (ii) पैकेजों के प्रस्तुतीकरण के लिये अल्पावधि को निर्धारित करने की समाहर्ता की शक्ति	सहायक समाहर्ता अधीक्षक	— —
88.	189	} शुल्क बापसी को स्वीकृत करने की शक्ति	सहायक समाहर्ता	—
89.	189ए			
90.	189बी			
91.	191	(i) फार्मुला का अनुमोदन तथा रियायत को वापस लेना (ii) स्थापना लागत नियत करने तथा रियायत अस्वीकार करने की शक्ति के अलावा दूसरी शक्तियाँ	उप समाहर्ता सहायक समाहर्ता	— —
92.	191ए	(i) तीन महीने से आगे समय की बढ़ोतरी [उप-नियम (7)] (ii) प्रतिभूति का समपहरण उप-नियम (12) (iii) फार्मुले का अनुमोदन।	} उप समाहर्ता	—
93.	191 बी	(i) शुल्क में छूट तथा रही/तलछट का नाश (ii) फार्मुला का अनुमोदन (iii) उप नियम (4ए) के अधीन शक्तियों के अलावा अन्य शक्तियाँ, स्थापना मूल्य तथा रियायत की अस्वीकृति	उप समाहर्ता उप समाहर्ता सहायक समाहर्ता	— — —
94.	192	(i) अनुमति संभूर करने की शक्ति (ii) अनुमति जारी करने तथा बन्ध पत्र की रकम और प्रतिभूति नियत करने की शक्ति	छूट अधिसूचना में उल्लिखित अधिकारी अनुमति जारी करने वाला अधिकारी	— —
95.	193	पैकिंग का तरीका	सहायक समाहर्ता	—
96.	196	(i) रियायत वापस लेना (ii) प्रतिभूति का समपहरण तथा अन्य शास्तिक कार्रवाई	उप समाहर्ता न्यायनिर्णय के लिए सक्षम अधिकारी	— —
97.	206(3)	(i) अभिगृहीत किये गए वाहनों की बन्ध-पत्र तथा प्रतिभूति पर अनन्तिम निर्मुक्ति (ii) अभिगृहीत किये गये माल को बन्ध-पत्र तथा प्रतिभूति पर अनन्तिम निर्मुक्ति	सहायक समाहर्ता या सहायक समाहर्ता से पत्र में अवर न्याय निर्णय अधिकारी न्याय निर्णय करने वाला अधिकारी	— — —
98.	210ए	अप्रराध प्रशमन करने तथा प्रशमन शुल्क नियत करने की शक्ति	(i) उप समाहर्ता (ii) सहायक समाहर्ता (iii) अधीक्षक	मूल्य-असीमित प्रशमन शुल्क-अक्षेक मासले में रु० 1500/- से अनधिक मूल्य रु० 5000/- प्रशमन शुल्क रु० 750/- मूल्य रु० 1000/- प्रशमन शुल्क रु० 250/-
99.	212	(i) जप्त किये गये माल की बित्री (ii) जप्त किये गये माल को नष्ट करना	सहायक समाहर्ता या सहायक समाहर्ता से पत्र में अवर न्याय निर्णय अधिकारी बट्टा खाता-उपलब्ध/माल के मूल्य/शुल्क में छूट के लिये सक्षम अधिकारी	— — —

1	2	3	4	5
100.	212-ए	भ्रष्टाचार प्रहार का भुगतान	न्याय निर्णय अधिकारी	—
101.	222	नई घोषणा मांग करने की शक्ति	उप समाहर्ता	—
102.	223ए	माल (स्टॉक) का वार्षिक हिसाब किताब रखना	सहायक समाहर्ता	—
103.	224(1)	निर्धारित समय के बाद तथा भ्रष्टाचार विनों में माल के निकासने की अनुमति	अधीक्षक	—
104.	227	मापमान, बाटों तथा तोलने वाली मशीन के लिये प्रावधान	सहायक समाहर्ता	—
105.	229	(i) कार्यालय आवास के लिए मांग की शक्ति (ii) आवास-गृह के लिए मांग की शक्ति	सहायक समाहर्ता उप समाहर्ता	— —
106.	230	माल, संयंत्र, मशीनरी आदि को रोक रखना	सहायक समाहर्ता	—

[अधिसूचना सं० के०उ०शु० (आर०) 1/81-फा०सं० V-30(41) दिनांक ०७/मार्च-11/79]

विजय कुमार गुप्ता, समाहर्ता

CENTRAL EXCISE COLLECTORATE

Bombay, the 3rd March, 1981

S.O. 1044. —In exercise of the powers conferred on me under rule 5 of the Central Excise Rules, 1944, I empower Central Excise Officers in the Central Excise Collectorate, Bombay-II as mentioned in Column No. 3 of the subjoined table, to exercise, within their respective jurisdictions, the powers of the 'Collector' under various Central Excise Rules mentioned in Column No. 2 of the subjoined table. The delegation of powers takes immediate effect and supersedes all previous delegations.

TABLE

Sr. No.	C. Ex. rule	Nature of power delegated	Officer to whom delegated	Limitation
1	2	3	4	5
1.	3	Approval of authorised person/agent	Supdt.	—
2.	9(1)	(i) Specifying places where excisable goods are produced, cured or manufactured and premises appurtenant thereto. (ii) Permission to open account Current	Licensing authority	—
3.	9(1A)	Withdrawal of amount from the account Current	Supdt. Asstt. Collr.	—
4.	9B(3)	Acceptance of general bond and demand for additional bond or additional security.	Asstt. Collr.	—
5.	12A(3)	Satisfaction of the Collr.	Asstt. Collr.	—
6.	12A(6) & (7)	Power to call for evidence/information/books of account etc.	Asstt. Collr.	—
7.	13	Acceptance of individual bond B-1 (Sec/Sur) and acceptance of proof of export in respect of such bond.	Supdt.	—
8.	14	Acceptance of general bond and proof of export.	Asstt. Collr.	—
9.	14A	(i) Penal action for failure to produce proof of export (ii) Power to refuse permission to make further export. (iii) Power under proviso (C) of rule 14A.	Officer accepting B-1 bond. Dy. Collr. Officer accepting B-1 bond.	— — —
10.	14B(1)	(i) Overdrawal upto 50% of the bond amount. (ii) Overdrawal upto 75% of the bond amount	Asstt. Collr. Dy. Collr.	— —
11.	14B(2)	Power to refuse further export.	Dy. Collr.	—
12.	18(3)	Power to forfeit security	Asstt. Collr.	—
13.	27(1)	Powers regarding licensing, bonds & other conditions.	Licensing Authority	—
14.	30	Preliminary weighment.	Dy. Collr.	—
15.	38	Securing accommodation for unmanufactured products after curing & packing	Licensing authority	—
16.	43	Receipt of notice	Licensing authority	—

1	2	3	4	5
17.	44	Power to require declaration	Licensing authority	—
18.	46	Power to require marking	Licensing authority	—
19.	47(1)&(3)	Exemption for approval of store room.	Licensing authority	—
20.	48	Bond & Security	Licensing authority	—
21.	50	Permission to remove non-excisable goods	Supdt.	—
22.	51A	(i) Cases of the following Types: -	Supdt.	—
		(a) Goods received/retained for being remade, refined, reconditioned, or subjected to similar process;		
		(b) When, after payment of duty, goods cannot be removed due to unforeseen circumstances like breakdown of carriers, non-availability of wagon etc.;		
		(c) Where goods cleared on payment of duty are brought back due to sudden suspension of booking on railways;		
		(d) When duty paid excisable goods are brought into the factory for test, studying designs, method of construction;		
		(e) When duty paid goods are allowed to be stored in factory premises for retail sale or as complimentary gifts;		
		(f) When duty paid goods refused by consignee are brought back for redistribution or damaged goods are brought into the factory for ascertaining extent of damage and to decide the disposal of such goods.		
		(ii) Types of cases not covered by (i) above.	Asstt. Collr.	—
23.	52	Reduction in time limit for putting in application for removal.	Asstt. Collr.	—
24.	52A	Acceptance of assessee's documents in lieu of gate pass in prescribed form.	Asstt. Collr.	—
25.	53	Permission to manufacturer not to make entries in RG.I on dates when there is no transaction.	Supdt.	—
26.	54	Power to require return for other product.	Dy. Collr.	—
27.	56A	(i) Power to permit a manufacturer to avail of the procedure.	Asstt. Collr.	—
		(ii) Withdrawal of permission	Dy. Collr.	—
28.	56B	Grant of permission.	Asstt. Collr.	—
29.	65(3) & (4)	Trust receipt and bond etc.	Asstt. Collr.	—
30.	71(3)	Approval of labels.	Supdt.	—
31.	75	Prescribing hours for transactions.	Asstt. Collr.	—
32.	85	Officer empowered by the Collr. to determine Sucrose content in case of dispute.	Dy. Chief Chemist, C. Ex. Laboratory, Bombay.	—
33.	92A(1)	Power to accept first ASP		
		(i) for the prescribed period.	Supdt.	—
		(ii) for a period less than the prescribed one.	Asstt. Collr.	—
34.	92A(3)	To condone/preclude a manufacturer from availing of the special provisions.	Asstt. Collr.	—
35.	92A(4)	(i) Acceptance of renewal application.	Supdt.	—
		(ii) To condone/preclude a manufacturer from availing of the special procedure.		
		(a) upto 15 days	Supdt.	—
		(b) beyond 15 days	Asstt. Collr.	—

1	2	3	4	5
36.	92B	Exclusion of the period of closure for purposes of computing duty liability.	Asstt. Collr.	—
37.	92B(3)	Accepting notice for a shorter period	Supdt.	—
38.	92L(2)	To condone delay in weekly deposits/ submission of application.		
		(i) upto 2 days in respect of weekly deposits/application.—and upto 5 days in respect of monthly deposits/application.	Supdt.	—
		(ii) Beyond the period mentioned above it (i).	Asstt. Collr.	—
39.	92E(iii)	To debar availing of special procedure.	Dy. Collr.	—
40.	92F	To condone failure to apply for special procedure.	Deputy Collr.	—
41.	93(b)(iii)	Approval of wrapper, outer covering or labels.	Supdt.	Approved specimen to be sent to A.C. and Collector.
42.	96-D	Permission for general bond and demands for fresh bond/additional security.	Asstt. Collr.	In case of removals within the division.
43.	96—DD	}	Deputy Collr.	In case of removal outside the Division/Collector.
44.	96—E		Supdt.	Acceptance of bond in all cases.
45.	96—EE			
46.	96—I(1)		Supdt.	—
47.	96—I(2)	To accept A.S.P.	Asstt. Collr.	—
48.	86—I(3)	To accept A.S.P. for shorter period.	Asstt. Collr.	—
		To condone/preclude a manufacturer from availing of the special provisions.	Asstt. Collr.	—
49.	96—I(4)	(i) to accept renewal application in form A.S.P.	Supdt.	
		(ii) to condone/preclude a manufacturer from availing of the special provisions.	Supdt.	For condoning delay not exceeding 15 days.
			Asstt. Collr.	For condoning delay exceeding 15 days.
50.	96—K(2)	To condone delay in making the application.	Supdt.	Upto 2 days in case of qrlly. appln. and 10 days in case of annual appln.
			Asstt. Collr.	Beyond above limits.
51.	96—MMMM	To condone failure to apply for special procedure.	Deputy Collr.	..
52.	96—Q(1)	To accept A.S.P.	Supdt.	..
53.	96—Q(2)	To accept A.S.P. for shorter period.	Asstt. Collr.	..
54.	96—Q(3)	To preclude a manufacturer from availing of the special provisions.	Asstt. Collr.	..
55.	76—Q(4)	(i) to accept renewal application in form ASP.	Supdt.	..
		(ii) to condone/preclude a manufacturer from availing of the special provisions.	Supdt.	for condoning delay not exceeding 15 days.
			Asstt. Collr.	for condoning delay exceeding 15 days.
56.	96—Q(1)	To permit separate weekly application.	Asstt. Collr.	..
57.	96—Q(2)	To condone delay in making application/ deposit.	Supdt.	Upto one day in case of weekly appln./deposit and 2 days in case of monthly/qrlly. appln. and/or deposit.
			Asstt. Collr.	Beyond above limits.
58.	96—U	To condone failure to apply for special procedure.	Deputy Collr.	..
59.	96—Y(1)	To accept A.S.P.	Supdt.	..
60.	96—Y(2)	To accept ASP for shorter period.	Asstt. Collr.	..
61.	96—Y(3)	To condone/preclude a manufacturer from availing of the special provisions.	Asstt. Collr.	..
62.	96—Y(4)	(i) to accept renewal appln. in form A.S.P.	Supdt.	
		(ii) to condone/preclude a manufacturer from availing of the special provisions.	Supdt.	for condoning delay not exceeding 15 days.
			Asstt. Collr.	for condoning delay exceeding 15 days.
63.	96—Z(2)	To condone delay in making application.	Supdt. Asstt. Collr.	upto 5 days Beyond above limits.
64.	96—ZZZZ	To condone failure to apply for special procedure.	Deputy Collr.	..

1	2	3	4	5
65. 96—ZH(1)	.	To accept A.S.P.	Supdt.	..
66. 96—ZH(2)	.	To accept ASP for shorter period	Asstt. Collr.	..
67. 96—ZH(3)	.	To preclude a manufacturer from availing of the special provisions.	Asstt. Collr.	..
68. 96—ZH(4)	.	(i) to accept renewal appln. in form A.S.P. (ii) to condone/preclude a manufacturer from availing of the special provisions.	Supdt. Supdt. Asstt. Collr.	for condoning delay not exceeding 15 days. for condoning delay exceeding 15 days.
69. 96—ZI(4)	.	To condone manner of and delay in making payment.	Supdt. Asstt. Collr.	Upto 5 days. Beyond above limits.
70. 96—ZM	.	To condone failure to apply for special procedure.	Deputy Collr.	..
71. 97	.	(i) Grant of refund and satisfaction of Collr. (ii) Extension of period for return of the goods.	Asstt. Collr. Deputy Collr.
72. 100	.	Collector's powers to refund duty.	Asstt. Collr.	..
73. 140	.	(i) Licensing to provide warehousing and demand for fresh bond/security. (ii) Revocation of licence and direction for removal of goods.	Licensing Authority Asstt. Collr. or licensing authority if he is senior in rank to A.C.
74. 145	.	Power to extend warehousing period of goods other than tobacco.	Supdt. Asstt. Collr.	Under clause (a) of the rule. Under Clause (b) of the rule.
75. 154	.	Power to allow in bond movement and acceptance of bond.	Inspector.	..
76. 154	.	Power to allow-in-bond movement of goods acceptance of bond and demand for fresh bond/security.	Supdt.	..
77. 164	.	(i) execution of individual bond (ii) execution of general bond and demand for fresh bond/security/surety.	Supdt. Asstt. Collr.
78. 165(2)	.	Demand for advance payment	Supdt.	..
79. 169	.	Appointment of a warehouse keeper	Deputy Collr.	..
80. 173(1A)	.	Permission to withdraw amount from Account Current.	Asstt. Collr.	..
81. 173G(2)(ii)	.	Power to permit assessee not to show rate & amount of duty on gate pass.	Dy. Collr.	..
82. 173(L) & (M)	.	(i) power to extend the period for return of goods. (ii) Other powers	Deputy Collr. Asstt. Collr.	.. relaxation reg. storage to be granted by the Collector
83. 173(N)(5)	.	Conditions of bond	Supdt.	..
84. 173(N)(6)	.	Power to extend time for rewarehousing certificate.	Deputy Collr.	..
85. 173(O)(1)	.	(i) power to prescribe marks (ii) presentation of packages to proper officer within shorter period.	Asstt. Collr. Supdt.
86. 180	.	Alteration or substitution of licence.	Licensing Authority	..
87. 185	.	(i) power to permit marketing in any other manner. (ii) Collector's powers to prescribe shorter period for presentation of packages	Asstt. Collr. Supdt.
88. 189	}	Power to sanction refund	Asstt. Collr.	..
89. 189—A	}			
90. 189—B	}			
91. 191	.	(i) Approval of formulae and withdrawal of concession. (ii) Other powers except power to fix establishment cost and refuse concession.	Deputy Collr. Asstt. Collr.
92. 191A	.	(i) extension of time beyond 3 months (sub rule 7) (ii) Forfeiture of security sub rule (12) (iii) approval of formula (iv) Other powers of the Collector except powers under sub rules (7A) and (16) and refusal of concession	Deputy Collr.
93. 191—B	.	(i) Destruction of waste/refuse and remission of duty. (ii) Approval of formula	Deputy Collr. Dy. Collr.

1	2	3	0	5
		(iii) Other powers except powers under sub rule (4A), refusal of concession and establishment cost.	Asstt. Collr.	..
94.	192	(i) Power to grant permission	Officer mentioned in the remission Notfn.	..
		(ii) Power to issue licence and fixing bond amount and security.	Licensing authority	..
95.	193	Manner of packing	Asstt. Collr.	..
96.	196	(i) Withdrawal of concession	Deputy Collr.	..
		(ii) forfeiture of security and other penal action.	Officer competent to adjudicate	..
97.	206(3)	(i) Provisional release of seized vehicles on bond & security.	Asstt. Collr. or the adjudicating officer lower in rank to the A.C.	..
		(ii) Provisional release of seized goods on bond and security.	Adjudicating Officer	..
98.	210—A	Power to compound an offence and fix compounding fees.	(i) Dy. Collr.	Value—without limit. Compounding fees not exceeding Rs. 1500 in each case.
			(ii) Asstt. Collr.	Value Rs. 5000 compounding fee Rs. 750.
			(iii) Supdt.	Value Rs. 1000 compounding fee Rs. 250.
99.	212	(i) Sale of confiscated goods	Asstt. Collr. or Adj. Officer if lower in rank to the A.C.	..
		(ii) Destruction of confiscated goods.	Officer competent to write off/remission on value/duty of the goods.	..
100.	212—A	Payment of storage charges	Adjudicating Officer	..
101.	222	Power to require a new declaration	Deputy Collr.	..
102.	223—A	Annual Stock taking	Asstt. Collr.	..
103.	224(1)	Permission to deliver goods beyond fixed hours and on holidays.	Supdt.	..
104.	227	Provision for scales, weights and weighing machines.	Asstt. Collr.	..
105.	229	(i) power to require Office accommodation	Asstt. Collr.	..
		(ii) Power to require residential accommodation.	Deputy Collr.	..
106.	230	Detention of goods, plants and machinery etc.	Asstt. Collr.	..

[Notfn. No. CE(R)1/81—F. No. V 30(41) Misc. /Bom. II/79]

V.K. GUPTA, Collector.

सांख्यिक मंत्रालय

मुख्य नियंत्रक, आयात-निर्यात का कार्यालय

निरस्त आदेश

नई दिल्ली, 16 मार्च, 1981

का० आ० 1045—सर्वश्री ओबेराय पैलेम होटल (यूनिट आफ ईस्ट इंडिया होटल लि०) श्रीनगर को सामान्य मुद्रा क्षेत्र से, स्टैंडर्ड फालतू पुर्जे, डाइम, टाइम, उप-साधित और अटैचमेंट के साथ मैच बुक इम्प्रिंटर्स का आयात करने के लिए 9,500 रुपए की लागत बीमा भाड़ा के लिए आयात लाइसेंस सं० पी ए 1443508 सी एक्स एक्स 73 एच 79 दिनांक 21-12-79 प्रदान किया गया था जो लाइसेंस जारी होने की तिथि से 12 मास के लिए वैध था/पार्टी ने उपर्युक्त लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है। आयात व्यापार नियंत्रण नियमों के अनुसार पार्टी ने आवश्यक शपथ पत्र प्रस्तुत किया है जिसके अनुसार उपर्युक्त लाइसेंस सीमा शुल्क सत्रन, नई दिल्ली के पास पंजीकृत था और उसका शांतिशु उपयोग किया गया था। अब लाइसेंस पर केवल 4670.75 रुपए की धनराशि 1442 G I/80—4

शेष है। पार्टी ने यह भी वचन दिया है कि यदि मूल मुद्रा विनिमय नियंत्रण प्रति मिल जाती है या बाद में मिलती है तो उसे लाइसेंस प्राधिकारियों को वापस कर दिया जाएगा।

2. मैं संतुष्ट हूँ कि आयात लाइसेंस की मूल मुद्रा विनिमय नियंत्रण प्रति खो गई है और निवेश देता हूँ कि आयात लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति पार्टी को जारी की जानी चाहिए। आयात लाइसेंस का मूल मुद्रा विनिमय नियंत्रण प्रति एतद्वारा रद्द की जाती है।

[सं० 6/224/79-80 एम एल-1/1391]

शंकर चन्द, उप-मुख्य नियंत्रक, आयात-निर्यात
कृते मुख्य नियंत्रक, आयात-निर्यात

MINISTRY OF COMMERCEOFFICE OF THE CHIEF CONTROLLER OF IMPORTS
& EXPORTS

New Delhi, the 16th March, 1981

CANCELLATION ORDER

S.O. 1045.—M/s. Oberoi Palace Hotel (Unit of East India Hotels Limited) Srinagar were granted an import licence

No. P/A/1443508/C/XX/73/H/79 dated 21-12-1979 for a c.i.f. value of Rs. 9,500 only for import of Match Book Imprimers with standard spares, dies, types, accessories and attachments from G.C.A. valid for 12 months from the date of issue. The party has applied for grant of a Duplicate Exchange Control purpose Copy for the aforesaid import licence on the grounds that the original licence (Exchange Control copy) has been lost by them. The party has furnished necessary affidavit as per I.T.C. rules according to which the aforesaid import licence was registered with the Customs House, New Delhi and was utilised partly. The balance left in the licence is Rs. 4670.75 (four thousand six hundred and seventy and seventy five paise) only. Party has also undertaken to return to the licensing authority the original Exchange Control copy of the licence if the same is traced or found later on.

2. I am satisfied that the original Exchange control copy of the import licence has been lost and direct that a duplicate Exchange Control copy of the import licence should be issued to the applicant. The original exchange control copy of the import licence is hereby cancelled.

[F. No. 6/224/79-80/ML-I/1391]
SHANKAR CHAND, Dy. Chief Controller of
Imports & Exports
For Chief Controller of Imports & Exports

(संयुक्त मुख्य नियंत्रक आयात-निर्यात का कार्यालय)

(नैऋत्य लाइसेंसिंग क्षेत्र)

निरस्त आदेश

नई दिल्ली, 27 नवम्बर, 1979

का० आ० 1046.—मैसर्स लाज एन्टरप्राइजिज, 520/9, रेलवे रोड गुडगांव (हरियाणा) को आयात लाइसेंस सं० पी०/एम०/2777620 दिनांक, 28-9-76 रुपये 28,874 के लिये कच्चा माल, उपभोग्य सामग्री, कंजुमेबिल स्टोरस और पैकिंग सामान हेतु, रेड बुक जिल्द II धारा I भाग की पैरा 31(2), 32(2) और 38 के प्रावधानों के अनुसार किया था। उन्होंने इस लाइसेंस की कस्टम कापी का 25,416.45 रुपये तक उपयोग करने के बाद खो जाने की सूचना दी है।

आवेदक फर्म ने अपने उपरोक्त कथन के समर्थन में एक शपथ-पत्र कार्य-विधि पुस्तिका 1979-80 के पैरा 333-334 के अनुसार प्रस्तुत किया है। अतः मैं सन्तुष्ट हूँ कि उपरोक्त लाइसेंस की मूल कस्टम कापी खो गई है।

आयात व्यापार आदेश 1955 दिनांक 7-12-55 (यथा संशोधित) की धारा 9 सी० सी० में प्रदत्त अधिकारों का प्रयोग करते हुए, मैं उपरोक्त लाइसेंस की मूल कस्टम कापी को निरस्त करने का आदेश देता हूँ।

आवेदक की प्रार्थना पर अब कार्यविधि पुस्तिका 1979-80 के पैरा 333-334 के अनुसार उपरोक्त आयात लाइसेंस की अनुलिपि (कस्टम परपज कापी) जारी करने की अनुमति पर विचार किया जायेगा।

[फाइल सं० इंजीनियरिंग-170/ओ० डी-75/ई पी-1/
सी० एल० ए०/853]

के० वी० चौधरी, उप मुख्य नियंत्रक आयात-निर्यात
कृते संयुक्त मुख्य नियंत्रक, आयात-निर्यात

OFFICE OF THE JT. CHIEF CONTROLLER OF IMPORTS
AND EXPORTS

(Central Licensing Area)

New Delhi, the 27th November, 1979

CANCELLATION ORDER

S.O. 1046.—M/s. Laj Interprises 520/9 Railway Road Gurgaon (Haryana) was granted Import Licence No. P/M/2777620 dated 28-9-76 for Rs. 28,874 for import of Raw Materials, Components, Consumable Stores and Packing Materials in accordance with the provisions made in para 31(2), 32(2) and 38 of Part-B, Section of Red Book (Vol. II) for 1977-78. They have reported that Customs Purpose Copy of the same has been lost/misplaced after having been utilised for Rs. 25,416.45.

2. The party has filed an affidavit in support of the above statement as required under para 333-334 of Hand Book of Imports & Exports Procedure, 1979-80. I am satisfied that the original Customs Purpose copy of the above said licence has been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Imports Trade Control Order, 1955 dated 7-12-1955 as amended, I order the cancellation of the said original Customs Purpose copy of the said licence.

4. The Party's case will now be reconsidered for the issue of the duplicate licence (Customs Purpose copy) in accordance with the para 333-334 of Hand Book of Imports and Exports Procedure, 1979-80.

[F. No. Engg.-170/OD-75/EP-I/CLA/853]

K. B. CHAUDHARY, Dy. Chief Controller of Imports & Exports

For Jt. Chief Controller of Imports & Exports

नई दिल्ली, 3 अक्टूबर, 1980

निरस्त आदेश

का० आ० 1047.—मैसर्स हाडा स्टील प्रॉडक्ट्स लि० प्लॉट नं० 3 सेक्टर-15ए, फरीदाबाद (हरियाणा) को एक पंजीकृत निर्यातक लाइसेंस सं० पीएल 2858836 दि० 11-8-78 र० 119641 के लिए आयात-नीति पुस्तक (जिल्द II) 1977-78 के पार्ट बी की सेक्सन-I के पैरा 30(1), 32(2), 38 और 63 के अन्तर्गत मदों के आयात के लिए वास्तविक उपयोक्ता की शर्तों पर आयात-निर्यात की कार्य विधि पुस्तिका 1977-78 के पैरा 121(2) तथा आयात-नीति पुस्तक अप्रैल-मार्च 1979 के पैरा 211 के अनुसार दिया गया था। इस फर्म ने उपरोक्त लाइसेंस की कस्टम तथा एक्सचेंज हेतु कापियां, बिना इस्तेमाल किए एवं बिना किसी कस्टम पर पंजीकृत किए, खो जाने की सूचना दी है।

2. इस फर्म ने अपने इस कथन के समर्थन में अब एक शपथ-पत्र आयात-निर्यात सम्बन्धी कार्य-विधि पुस्तिका 1979-80 के पैरा 333 से 335 के अनुसार प्रस्तुत किया है। अतः मैं सन्तुष्ट हूँ कि उपरोक्त आयात लाइसेंस की मूल कस्टम तथा एक्सचेंज हेतु कापियां खो गई हैं।

3. अतः आयात-व्यापार नियंत्रण आदेश, 1955 दि० 7-12-55 (यथा संशोधित) की धारा 9(cc) में प्रदत्त अधिकारों का प्रयोग करते हुए मैं उपरोक्त लाइसेंस की मूल कस्टम एवं एक्सचेंज हेतु कापियों को निरस्त करने का आदेश देता हूँ।

4. आवेदक की प्रार्थना पर अब आयात-निर्यात की कार्य विधि पुस्तिका के पैरा 333 से 335 तक के अनुसार उपरोक्त

लाइसेंस की कस्टम एवं एक्सचेंज हेतु कार्रवायों की अनुमति जारी करने पर विचार किया जायेगा।

[सं० इन्जी०-86/अ० डी०-77/ई० पी०-1/सी० एल० ए०/590]

माया दाम गुप्ता, उप मुख्य नियंत्रक, आयात-निर्यात
कुने, संयुक्त मुख्य नियंत्रक, आयात-निर्यात

New Delhi, the 3rd October, 1980

CANCELLATION ORDER

S.O. 1047.—M/s. Hada Steel Products Ltd., Plot No. 3 Sector 15-A, Faridabad, Haryana was granted REP Licence No. P/L/2858836 dated 11-8-78 for Rs. 119641 for import of items in terms of para 30(1), 32(2), 38 & 63 of Part 'B' Section I of Red Book Vol. II for 1977-78 subject to Actual User Condition for utilisation of imported goods as per para 121(2) of the ITC Hand Book of Rules & Procedure 1977-78 subject to the provision of para 211 of Import Policy for AM 79. They have reported that Custom Purposes and Exchange Control Copy of the same have been lost/misplaced without having been utilised at all and without having been registered with any port.

2. The applicant firm has filed an affidavit in support of above statement as required under para 333 to 335 of Hand Book of Import Export Procedure 1979-80. I am satisfied that the original licence (both Customs & Exchange copies) the above said licence have been lost/misplaced.

3. In exercise of the powers conferred on me under Section 9(cc) of Import Trade Control Order 1955 dated 7-12-55 as amended, I order the cancellations of the Original said licence (Custom Purposes and Exchange Control Copies).

4. The applicant case will now be considered for the issue of duplicate licence (Both copies) in accordance with the para 333 to 335 of Hand Book of Imports & Exports Procedure.

[No. Engg-86/OD 77/EP-I/CLA/590]

MISS MAYA DAS GUPTA, Dy Chief Controller of Imports & Exports.

For Jt. Chief Controller of Imports & Exports.

आदेश

बम्बई, 20 दिसम्बर, 1980

का० आ० 1048.—सर्वश्री एम० प्रकाश एंड ब्रदर्स 603 605 जौली भवन नं० 1.10 न्यू मेरीन लाइन्स, बम्बई-400020 को आयात नीति 1979-80 के परिशिष्ट 5 और 7 के अधीन आने वाली मर्चें के आयात के लिए 30,08,639 रुपये के लिए लाइसेंस सं० पी डब्ल्यू/2918209 दिनांक 26-11-1979 जारी किया गया था।

इसके बाद फर्म को एक कारण बताओ नोटिस सं० एडिल लाइसेंस 133/ए एम-80 ई पी-पोल, दिनांक 29-11-1980 यह पृष्ठने हुए जारी किया गया कि वे 15 दिन के अन्दर कारण बताएं कि अपतन यथा-संशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की धारा 9 (सी), 9(सी सी) और 9 (डी) के अनुसार उगके नाम में जारी किए गए लाइसेंस को इस आधार पर रद्द क्यों नहीं कर दिया जाए, क्योंकि उक्त लाइसेंस उनके द्वारा या उनके अवप्रेरक द्वारा जाली बनाया गया था। लाइसेंसधारी ने लाइसेंस और माल के आयात से सम्बद्ध नियमों एवं विनियमों

का उल्लंघन किया है और इसलिए लाइसेंस इस उद्देश्य को पूरा नहीं करेगा जिसके लिए जारी किया गया था। लाइसेंसधारी से यह भी अनुरोध किया गया था कि मूल लाइसेंस का अनुलिपि प्रति में, यदि कोई उत्तर हो तो उसके साथ प्रस्तुत करें।

उपर्युक्त कारण बताओ नोटिस के जवाब में सर्वश्री एम० प्रकाश एंड कं०, बंबई ने 9-12-1980 को यह कहते हुए जवाब दिया है कि विषयाधीन लाइसेंस के संबंध में जालसाजी के उक्त आरोप का अवप्रेरण मे हमें दुःख हुआ है और उन्होंने कहा है कि हम अपने रिकार्ड से सामग्री का उल्लेख करें, जिसके आधार पर ऐसा विचार कायम किया गया था ताकि हमका उचित जवाब दे सकें : लेकिन, उन्होंने ऊपर संकेतिक कारण बताओ नोटिस के अन्तिम पैरा में मांगी गई अपेक्षा लाइसेंस की दोनों मूल प्रतियां उसमें दी गई चेतावनी के बावजूद मनुत नहीं की है। इसलिए हमसे केवल यही समझा जा सकता है कि लाइसेंस धारी, कारण बताओ नोटिस के निर्देशानुसार लाइसेंस प्रस्तुत करने को तैयार नहीं है और इस मामले के निर्णय में विलम्ब करने के लिए पचाचार में उतावला रहा है। फर्म का प्रतिनिधि भी इस कार्यालय में 10 दिसम्बर, 1980 बुधवार को 3 बजे उस व्यक्तिगत गृहवाई के लिए दिए गए अवसर का लाभ उठाने में असमर्थ रहा है।

इसलिए, अधोहस्ताक्षरी इस निष्कर्ष पर पहुंचा है कि उपर्युक्त लाइसेंस सं० पी/डब्ल्यू/2918209, दिनांक 26-11-1979 लाइसेंसधारी द्वारा या उसके अवप्रेरण द्वारा जाली बनाया गया था और लाइसेंसधारी ने लाइसेंस का और माल आयात करने के नियम एवं विनियमों का उल्लंघन किया है और इसलिए लाइसेंस उस उद्देश्य को पूरा नहीं करेगा जिसके लिए जारी किया गया था। इसलिए, यह सुनिश्चय करना आवश्यक है कि लाइसेंस को तत्काल से ही अप्रभावी किया जाता है।

पिछले पैराग्राफ में जो कुछ कहा गया है, उसे ध्यान में रखते हुए अधोहस्ताक्षरी उस बात से संतुष्ट है कि विषयाधीन लाइसेंस को आदितः रद्द कर दिया जाना चाहिए या अप्रभावी कर दिया जाना चाहिए। अतः अधोहस्ताक्षरी अपतन यथा संशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-1955 की धारा-9, उप-धारा (सी) (सीसी) और (डी) में प्रदान किए गए अधिकारों का प्रयोग करते हुए एतद् द्वारा सर्वश्री एम० प्रकाश एंड ब्रदर्स, बंबई को जारी किए गए उपर्युक्त लाइसेंस को रद्द करता है।

[सं० एडिल/लाइसेंस/133/ए एम-80 ई पी-पोल]

जी० आर० नायर, उप-मुख्य नियंत्रक,
आयात-निर्यात

ORDER

Bombay, the 20th December, 1980

S.O.1048.—Licence No. P/W/2918209 dated 26-11-1979 for Rs. 30,08,639 was issued to M/s. S. Parkash & Bros.

603/605, Jolly Bhavan No. 1, 10, New Marine Lines, Bombay-400020 for import of items appearing in Appendices 5 and 7 of the Import Policy 1979-80.

Thereafter a show cause notice No. Addl/LIC/133/AM-80/EP-POL dated 29th November 1980 was issued asking them to show cause within 15 days as to why the aforesaid licence issued in their favour should not be cancelled in terms of Clause 9(c), 9(cc) and 9(d) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended till date on the ground that the said licence has been forged by the licensee himself or through his abetment. The licensee has committed a breach of the conditions of the licence and the rules and regulations relating to import of goods and the licence will not therefore serve the purpose for which it was issued. The licensee was also requested to produce the original licence in duplicate along with the reply, if any.

In reply to the aforesaid show cause notice, M/s. S. Parkash & Co., Bombay have replied on 9-12-1980 stating that they were shocked on the alleged forgery or abetment in relation to the licence in question and have asked us to disclose the material on our record based on which such an opinion was formed so that suitable reply can be given. They however, failed to produce the original licence in duplicate as required in the last para of the show cause notice referred to above despite the warning given therein.

It can therefore only be presumed that the licensee is not prepared to forward the licence as directed in the show cause notice and are entering into correspondence to delay a decision in this matter. The representative of the firm also failed to avail of the opportunity for Personal Hearing given to them on Wednesday, the 10th December, 1980 at 3.00 p.m. in this office.

The undersigned has therefore come to the conclusion that the above mentioned licence No. P/W/2918209 dated 26-11-1979 has been forged by the licensee or through his abetment and that the licensee has committed a breach of the conditions of the licence and rules and regulations relating to import of goods and therefore the licence will not serve the purpose for which it was issued. It is therefore necessary to ensure that the licence is rendered ineffective immediately.

Having regard to what has been stated in the preceding paras the undersigned is satisfied that the licence in question should be cancelled ab initio or rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under CL 9 sub-clause (c), (cc) and (d) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended till date hereby cancel the licence mentioned above issued in favour of M/s. S. Parkash & Bros., Bombay.

[No. Addl./LIC/133/AM-80/EP-POL]

G. R. NAIR, Dy. Chief Controller of Imports & Exports.

परमाणु ऊर्जा विभाग

आदेश

बम्बई, 2 फरवरी, 1981

का०घा० 1049.—राष्ट्रपति केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) की धारा (ख) तथा नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, परमाणु ऊर्जा विभाग के तारीख 7 जुलाई, 1979 के आदेश का०घा० संख्या 2537 में निम्नलिखित संशोधन करने है, अर्थात्:—

अनुसूची में,—

(क) भाग-II—साधारण केन्द्रीय सेवा वर्ग 'ग' में, क्रम संख्या (ix), "जो भारी पानी परियोजनाओं के पदों" के संबंध में है तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या तथा प्रविष्टियां प्रतिस्थापित की जायेगी, अर्थात्:—

1	2	3	4	5	6
“(ix) भारी पानीपरियोजनाओं में पद	(क) भारी पानी परियोजनाओं के केन्द्रीय कार्यालय के पदों के संबंध में वरिष्ठ प्रशासनिक अधिकारी	भारी पानी परियोजनाओं के केन्द्रीय कार्यालय के पदों के संबंध में वरिष्ठ प्रशासनिक अधिकारी, भारी पानी परियोजना	सभी	विशेष-कार्य-अधिकारी/परियोजना निदेशक, भारी पानी परियोजना”	
	(ख) क्षेत्रीय कार्यालय (भारी पानी परियोजना/संयंत्र) के पदों के संबंध में निर्माण प्रबन्धक/कार्य प्रबन्धक	क्षेत्रीय कार्यालय (भारी पानी परियोजना/संयंत्र) के पदों के संबंध में निर्माण प्रबन्धक/कार्य प्रबन्धक	सभी		

(ख) भाग-III—साधारण केन्द्रीय सेवा वर्ग 'घ' में क्रम संख्या (ix), जो भारी पानी परियोजनाओं के पदों के संबंध में है तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या तथा प्रविष्टियां प्रतिस्थापित की जायेगी, अर्थात्:—

1	2	3	4	5	6
“(ix) भारी पानी परियोजनाओं में पद	(क) केन्द्रीय कार्यालय के पदों के सबध में प्रशासनिक अधिकारी-II	भारी पानी परियोजना केन्द्रीय कार्यालय के पदा के संयुध में प्रशासनिक अधिकारी-I-III	सभी	वरिष्ठ प्रशासनिक अधिकारी	भार। पानी परियोजना
	(ख) क्षेत्रीय कार्यालय (भारी पानी परियोजना/संयंत्र) के पदों के सबध में संबंधित प्रशासनिक अधिकारी-I-III	क्षेत्रीय कार्यालय (भारी पानी परियोजना/संयंत्र) के पदों के संबंध में सबधित प्रशासनिक अधिकारी-I-III	सभी	क्षेत्रीय कार्यालय (भारी पानी परियोजना/संयंत्र) के पदों के संबंध में संबंधित निर्माण प्रबन्धक तथा कार्य प्रबन्धक	

[संख्या 22(1)/68-प्रशासन-II]

टी० सेतुमंथन, उप सचिव

DEPARTMENT OF ATOMIC ENERGY

ORDER

Bombay, the 2nd February, 1981

S.O. 1049.—In exercise of the powers conferred by sub rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following amendments in the Order of the Department of Atomic Energy, No. S.O. 2537, dated the 7th July, 1979, namely:—

In the Schedule,—

- (a) in Part II—General Central Service Group 'C', against serial number (ix), relating to "Posts in the Heavy Water Projects (HWP)" and the entries relating thereto the following serial number and entries shall be substituted, namely:—

1	2	3	4	5	6
“(ix) Posts in the Heavy Water Projects (HWP).	(a) Sr. Adm. Officer in respect of posts in the Central Office of Heavy Water Projects.	Sr. Adm. Officer Heavy Water Projects, in respect of posts in the Central Office of Heavy Water Projects.	All	Officer on Special Duty/Project Director, Heavy Water Projects.”;	
	(b) Construction Manager/ Works Manager in respect of posts in field offices (Heavy Water Projects/ Plants).	Construction Manager/Works Manager in respect of posts in field officers (Havy Water Projects/Plants).	All		

- (b) in Part III—General Central Services Group 'D', against serial No. (ix) relating to posts in the Heavy Water Projects (HWP) and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

1	2	3	4	5	6
“(ix) Posts in the Heavy Water Projects (HWPs)	(a) Administrative Officer III in respect of posts in the Central Office.	Administrative Officer III in respect of posts in Heavy Water Projects, Central Office.	All	Senior Administrative Officer Heavy Water Projects.	
	(b) The respective Administrative Officer III in respect of posts in field offices (Heavy Water Projects/Plants).	The respective Administrative Officer III in respect of posts in field offices (Heavy Water Projects/Plants).	All	The respective Construction Manager/Works Manager in respect of posts in field offices (Heavy Water Projects/Plants).”	

[No. 22(1)/68-Adm. II]

T. SETHUMADHAVAN, Dy. Secy.

कृषि मंत्रालय

(खाद्य विभाग)

आदेश

नई दिल्ली, 20 मार्च, 1981

कां०आ० 1050—केन्द्रीय सरकार, धान कुटाई उद्योग (विनियमन) अधिनियम, 1958 (1958 का 21) की धारा 19 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कृषि मंत्रालय (खाद्य विभाग) में भारत सरकार के आदेश कां०आ० 903, तारीख 31 मार्च, 1980 का अधिक्रमण करते हुए, निदेश देती है कि राजस्थान राज्य में चावल मिलों के संबंध में उक्त अधिनियम की धारा 5 के अधीन अपने द्वारा प्रयोक्तव्य शक्तियां जिला उद्योग केन्द्रों में संयुक्त निदेशकों द्वारा अपने अपने सम्बन्धित जिला केन्द्रों के अन्दर और

निदेशक उद्योग विभाग द्वारा राजस्थान राज्य के शेष भाग में भी प्रयोक्तव्य होंगी।

[एफ०नं० 15(राज) (15)/78-डी० तथा आर०-I-76]

यू०वी०वी०एल०नरसिम्हम्, उप सचिव

MINISTRY OF AGRICULTURE

(Department of Food)

ORDER

New Delhi, the 20th March, 1981

S.O. 1050.—In exercise of the powers conferred by section 19 of the Rice-Milling Industry (Regulation) Act, 1958 (21 of 1958) and in supersession of the Order of the Government of India in the Ministry of Agriculture (Department of Food) S.O. 903 dated the 31st March, 1980, the Central Government hereby directs that the powers exercisable by it under section 5 of the said Act, in relation to rice mills in the State of Rajasthan, shall also be exercisable by Joint Directors in the District Industries Centres within their respective District Industries Centres and by Director, Industries Department, in the rest of the State of Rajasthan.

[F. No. 15(RAJ) (15)/78-D&R-I-766]

U. V. V. L. NARASIMHAM, Dy. Secy.

पूर्वी और पुनर्वास मंत्रालय

(पुनर्वास विभाग)

नई दिल्ली, 19 फरवरी, 1981

का० आ० 1051.—विस्थापित व्यक्ति (प्रति कर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा उक्त अधिनियम द्वारा या उसके अधीन बंद्दीवस्तन आयुक्त को सौंपे गए कार्यों का निष्पादन करने के लिए पुनर्वास विभाग, हरियाणा सरकार के उप सचिव को हरियाणा राज्य में बंद्दीवस्तन आयुक्त के रूप में नियुक्त करती है।

इस अधिसूचना में अधिसूचना संख्या 1(14)/विशेष नैल/75-एस० एस०-II, दिनांक 3 मार्च, 1979 का अतिक्रमण किया जाता है।

[सं० 1(14)/वि० सै०/75-एस० एस०-II]

रघुबीर शरण श्रीवास्तव, अवसर सचिव

MINISTRY OF SUPPLY AND REHABILITATION

(Department of Rehabilitation)

New Delhi, the 19th February, 1981

S.O. 1051.—In exercise of the powers conferred by sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints the Deputy Secretary in the Rehabilitation Department of the Government of Haryana, as Settlement Commissioner in the State of Haryana for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act.

This Notification supersedes Notification No. 1(14)/Spl Cell/75-SS. II., dated the 3rd March, 1979.

[No. 1(14)/Spl. Cell/75-SS.II]

R. S. SRIVASTAVA, Under Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 9 मार्च 1981

का० आ० 1052.—राजभाषा (संघ के शासकीय प्रयोजन के लिए प्रयोग) 1976 के नियम 10 के उपनियम (2) और (4) के अनुपालन में रेल मंत्रालय (रेलवे बोर्ड) मध्य-रेलवे के मण्डल रेल प्रबन्धक कार्यालय, शोलापुर को, जहाँ के कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है।

[सं० हिन्दी-81/रा० भा०-13/16]

हिम्मत सिंह,

सचिव, रेलवे बोर्ड एवं भारत सरकार के पदेन संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 9th March, 1981

S.O. 1052.—In pursuance of Sub-Rules (2) & (4) of Rule 10 of the Official Language (Use for the Official purposes of the Union) Rules, 1976, the Ministry of Railways

(Railway Board) hereby notify the Office of Divisional Rail Manager, Solapur of Central Railway, the staff whereof have acquired the working knowledge of Hindi.

[No. Hindi-81/OL-15/16]

HIMMAT SINGH, Secy. Railway Board & Ex-Officio Jt. Secy. to the Govt. of India.

श्रम मंत्रालय

आदेश

नई दिल्ली, 9 फरवरी 1981

का० आ० 1053.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में सैन्ट्रल बैंक आफ इंडिया, मद्रास से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी० सुंदरसनम डेनियल होंगे जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या सैन्ट्रल बैंक आफ इंडिया, मद्रास के प्रबंधन की उनके डिविजनल कार्यालय, कोडम्बेदूर से सम्बद्ध श्री एस० गणेशन, क्लर्क की वार्षिक वेतनवृद्धि को वर्ष 1972 से 29 दिन आगे मूलतः करने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है?

[सं० एल-12012/178/79-डी-II(ए)]

MINISTRY OF LABOUR

ORDERS

New Delhi, the 9th February, 1981

S.O. 1053.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India, Madras and their workmen, in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby constitutes an Industrial Tribunal of which Shri T. Sudersanam Daniel shall be the Presiding Officer, with headquarters at Madras, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Central Bank of India, Madras in relation to their Divisional Office, Coimbatore in postponing the annual

increment of Shri S. Ganesan, clerk by 29 days from the year 1972 onwards with cumulative effect is justified? If not, to what relief is the workman concerned entitled?

[No. L-12012/178/79-D. II (A)]

नई दिल्ली, 16 फरवरी, 1981

का० आ० 1054.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में इंडिया बैंक और ऑल केल बैंक डिपोजिट कल्लेक्टर्स एसोसिएशन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है।

अतः, केन्द्रीय सरकारी औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पोस्टमोन अधिकारी श्री टी० सुदर्शनम डेनियल होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या इंडियन बैंक द्वारा श्रीमती एम० सीतालक्ष्मी, अम्मल की सेवाओं को 2-5-1978 से समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं तो कर्मकार किम अनुतोष का हकदार है?

[सं० एल-12012/213/79-डी० II(ए)]

एम० एस० मेहता, डेस्क अधिकारी

New Delhi, the 16th February, 1981

S.O. 1054.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Indian Bank and All Kerala Bank Deposit Collectors Association and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sudarsanam Danial shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the termination of services of Smt. M. Seethalakshmi, Ammal, with effect from 2-5-1978 by the Indian Bank was justified? if not, to what relief is the workman entitled?

[No. L-12012/213/79-D. II (A)]

S. S. MEHTA, Desk Officer

New Delhi, the 17th March, 1981

S.O. 1055.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Ramagundam Division IV, Singareni Collieries Company Limited, Godavari Khani, Hyderabad and their workmen which was received by the Central Government on the 9-3-81.

BEFORE THE ADDITIONAL LABOUR COURT-CUM-
ADDITIONAL INDUSTRIAL TRIBUNAL

ANDHRA PRADESH : HYDERABAD

PRESENT :

Sri Rupender Parshad Sahgal, B.A., I.L.B., Chairman.

Dated this the 25th day of November, 1980

Industrial Dispute No. 273 of 1980(c)

Sri Harmender Singh

Mechanic, Grade II

.. Petitioner

Versus

The Divisional Superintendent

Ramagundam Division

No. 4 Singareni Collieries Co. Ltd.,

Godavari Khani, Karimnagar. ... Respondent

Ref : L. No. 21012(8)/79-D.IV(B), dt. 19-6-80, of the Govt. of India, Ministry of Lab. New Delhi

This Industrial Dispute coming on for final hearing before me on 20-11-80 upon pursuing the reference, material papers on record and upon hearing the arguments of Sri G. Bhikshapati, Advocate for the petitioner and Respondent appearing in person and having stood over for consideration till this day the court passed the following :—

AWARD

The Central Government (Ministry of Labour) in exercise of the powers conferred by Section 7-A and clause (d) of Sub-Section (i) of section 10 of the Industrial Disputes Act, 1947 Central Act, (XIV of 1947) constituted an Industrial Tribunal and referred to this Additional Industrial Tribunal an Industrial Dispute between the employers in relation to the management of Open Cost Project Ramagundam Division IV Singareni Collieries company Limited Godavari Khani, Hyderabad and their workman through order No. L.21012(8)/79-D.IV(B) dated 9-1-1980 in respect of the matter specified in the schedule for adjudication viz.,

SCHEDULE

"Whether the action of the management of Singareni Collieries company Ltd., Ramagundam Division No. IV in terminating the services of Sri Harmender Singh Mechanic Grade II with effect from 16-10-1978 was justified?"

If not to what relief is the concerned workman entitled?"

2. The record shows that the said reference was numbered as I.D. 273/80(C) and notices were issued and the case was posted for the appearance of the parties to 11-9-80 on which date Sri Bhikshapati and Sri K. Srinivasa Murthy, Advocates undertook to file vakalats on behalf of the parties respectively, and that on 8-10-80 vakalat was filed on behalf of the workman and further time was requested for filing vakalat on behalf of the management. So the case was adjourned to 10-11-80 and 17-11-80 and again to 20-11-80 on which date the advocate for the petitioner requested to terminate the reference and to that effect filed a memo which reads thus :

"It is submitted that a similar reference between the same parties has been received by the Industrial Tribunal (Central) Hyderabad and it is numbered as I.D. 16/80.

In view of this it is prayed that the Hon'ble Court may be pleased to terminate the above reference."

Heard the counsel for the petitioner on the said memo. In the circumstances stated in the said memo this Court has no other course open to it except to terminate the reference. Therefore the reference is hereby terminated and a 'NIL' award is passed.

Dictated to the typist who typed to my dictation corrected by me and given under my hand and seal of this Court this the 25th day of November, 1980.

APPENDIX OF EVIDENCE

List of Witnesses Examined

On behalf of the Workman .. Nil
On behalf of the management .. Nil

List of Documents Marked

On behalf of the workman .. Nil
On behalf of the Management .. Nil

RUPENDER PERSHAD SAHGAL, Chairman

Additional Industrial Tribunal

A. P. : HYDERABAD

[No. L-21012(8)/79-D-IV(B)]

S. S. MEHTA, Desk Officer.

नई दिल्ली, 9 मार्च, 1981

का० आ० 1056.—केन्द्रीय सरकार खान अधिनियम, 1952 (1952 का 35) की धारा 46 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए द्वितीयक दलितों में पत्थर डालने और मैसर्स हिन्दुस्तान स्टील वर्क्स कन्स्ट्रक्शन लिमिटेड (भारत सरकार का उपक्रम) के स्वामित्वाधीन बोरी स्टील खान में पत्थर ठहचाने के लिए भूमि के ऊपर महिलाओं के नियोजन के समय में 31 दिसम्बर, 1981 तक के लिए परिवर्तन करती है जिससे 10 बजे अपराह्न से 6 बजे पूर्वाह्न के समय के बीच कोई भी महिला काम पर लगाए जाने के लिए अनुज्ञात नहीं होगी।

[सं० एस-29014/1/81—एम I]

जे० के० जैन अवसर सचिव

New Delhi, the 9th March, 1981

S.O. 1056.—In exercise of the powers conferred by sub-section (3) of section 46 of the Mines Act, 1952 (35 of 1952), the Central Government hereby varies upto the 31st December, 1981, the hours of employment above ground of women for feeding stone into the secondary crushers and for transportation of stone in the Bori Stone Mine owned by Messrs Hindustan Steel Works Construction Ltd., (a Government of India Undertaking), so however that no employment of any women between the hours of 10 P. M. and 6 A. M. is permitted.

[No. S-29014/1/81-MI]

J. K. JAIN, Under Secy.

नई दिल्ली, 10 मार्च, 1981

का० आ० 1057.—केन्द्रीय सरकार ने कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 4 के खण्ड (ड) के अनुसरण में श्री एम० के० वेजवर्करा के स्थान पर श्री आर० एन० पुरी श्रम आयुक्त तथा सचिव (श्रम), दिल्ली प्रशासन को कर्मचारी राज्य बीमा निगम में सदस्य के रूप में नामनिर्दिष्ट किया है;

अतः अब केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 850 (अ) दिनांक 21 अक्तूबर, 1980 में निम्नलिखित संशोधन करती है अर्थात्:—

उक्त अधिसूचना में “केन्द्रीय सरकार द्वारा धारा 4 के खण्ड (ड) के अधीन नामनिर्दिष्ट” शीर्षक के नीचे मट

28 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जावगी, अर्थात्:—

“श्री आर० एन० पुरी,
श्रम आयुक्त तथा सचिव (श्रम),
दिल्ली प्रशासन दिल्ली।”

[संख्या यू-16012/4/81-एच० आई०]

एन० बी० चावला, उप सचिव

New Delhi, the 10th March, 1981

S.O. 1057.—Whereas the Central Government have in pursuance of clause (e) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri R. N. Puri, Labour Commissioner and Secretary (Labour), Delhi Administration to be member of the Employees' State Insurance Corporation, in place of Shri M. K. Bēzboruah;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S. O. 850 (E), dated the 21st October, 1980, namely:—

In the said notification, under the heading “(Nominated by the Central Governments under clause (e) of section 4)”, for the entry against item 28, the following entry shall be substituted, namely:—

“Shri R. N. Puri, Labour Commissioner and Secretary, (Labour), Delhi Administration, Delhi.”

[No. U-16012/4/81-HI]

N. B. CHAWLA, Dy. Secy.

आवेश

नई दिल्ली, 11 मार्च, 1981

का० आ० 1058.—केन्द्रीय सरकार की राय है, कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में भारतीय खाद्य निगम के प्रबन्धतंत्र से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है,

और, केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है,

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी० सुंदरसनम डेनियल होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्याय निर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या भारतीय खाद्य निगम, मद्रास के जिला प्रबन्ध की आरकोनम डिपो में छाड़ूकों श्रीमती 1. एन० साया देवी, 2. बी० रमानी बाई, 3. एस. रानी, 4. डी० राधल, को नियमित न करने और समय वेतनमान न देने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष के हकदार हैं?

[सं० एल-42012/55/80-डी-2(बी)]

ORDER

New Delhi, the 11th March, 1981

S.O. 1058.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Food Corporation of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sudarsanam Daniel shall be the Presiding Officer, with head quarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the District Manager, Food Corporation of India, Madras in denying regularisation and time scales of pay to the Smt. 1. N. Sava Devi, 2. V. Ramnani Bai, 3. S. Rani 4. D. Raghav, Sweepers at Arkonam Depot is justified? If not, to what relief are the concerned workmen entitled to?"

[No. L-42012 (55)/80-D. II (B)]

S.O. 1059.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the Executive Officer, Cantonment Board and Shri Kamal Nayan Pandey, Ward Boy, which was received by the Central Government on the 2nd March, 1981.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 15 of 1980

Shri Kamal Nayan Pandey, J-59/40, Factory Colony, Near Gangaghat Chungi, Tagore Road, Kanpur Cantt.
Petitioner

Versus

The Executive Officer, Cantonment Board, Kanpur Cantt.
Respondent

PRESENT :

Shri K. N. Pandey, workman concerned None—for the Board.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-18012(1)/79-D. II(B) dated the 26th March, 1980 referred an Industrial Dispute u/s 10 of the I.D. Act to this Tribunal in the following terms :

"Whether the action of the Executive Officer Cantonment Board, Kanpur in terminating the services of Shri K. N. Pandey, Ward Boy, with effect from 10-6-78 is fair, legal and just? If not, to what relief the workman is entitled?"

2. On receipt of the reference usual notices were sent to the parties. After the parties put in their appearance a statement of claim was filed by the workman and thereafter a written statement was filed. Finally a replication was filed and following issues were struck.

Issues :—

1. Whether the respondent Cantt. Board is not an Industry?

2. As in the order of reference.

3. The case was then adjourned for evidence of the workman. As none appeared for the Management on 23-12-1980 and 9-2-1981 ex-parte proceedings have been ordered against the Management and ex-parte evidence in consequence was 1442 GJ/80—5.

recorded. The ex-parte evidence of the workman consists of his statement as W. W. 1 which consists of his affidavit Ex. W. W. 1/1 apart from the documents on the produced by the parties. I have gone through the evidence produced by the workman and have heard the workman and after giving my considered thought to the matter before me I have come to the following findings upon these issues :

4. Issue No. 1 :

The contention of the management is that it was not an Industry. There is nothing to suggest on the record that the respondent is not an Industry. In view of the latest pronouncement of the Hon'ble Supreme Court of India in Bangalore Water Supply Vs. Rajappa [1978 (1) LLJ-349] it cannot be said that the respondent is not an Industry. The scope of word 'Industry' has been so widened after this ruling of the Supreme Court that even the Cantonment Boards would be covered by the definition of term Industry. Even otherwise a reference to Section 2(A) would show that Central Govt. has been declared to be appropriate Govt. in respect of Cantonment Boards which itself clearly shows that Cantonment Boards are covered and are an Industry and as such this issue is decided against the Management and in favour of the workman.

5. Issue No. 2 :

The contention of the workman is that he was employed as a Ward Boy with the Cantonment Board, Kanpur on 11-6-76 and his services were terminated on 10-6-78; that his services were terminated without notice or without payment of any retrenchment compensation u/s 25-F of the I.D. Act; that subsequent to the retrenchment of the workman at least four persons have been appointed as peons by the Cantonment Board and they were S/shri Rama Shanker Misra, Garib Dass Kushwaha, Parmeshwar Prasad Gupta and Ramesh Kumar; that as such the provisions of Section 25-H of the I. D. Act have not been complied with by the respondents that the termination of his services is illegal, unfair & unjust and hence he is entitled to be referred in service with full back wages. It is not denied by the Cantonment Board in its written statement that the applicant was so appointed or that his services were terminated. It is also not alleged that any notice was given to the workman or that he was paid any retrenchment compensation either. What is stated is that the services had to be terminated in as much as the post was not sanctioned beyond 10-6-78.

6. The contention of the workman is established by the statement on affidavit which is Ex. W. W. 1/1. It is also established that he was not given any notice or pay in lieu of notice. It is similarly established that notification was paid to the workman when his services were terminated. In fact all these facts are admitted by the respondents in its written statement. Once it is admitted that no retrenchment compensation was paid it would follow that the termination of services of the workman was illegal and in violation of provisions of Section 25-F of the I.D. Act. The Hon'ble Supreme Court India, has held in most unambiguous terms in its pronouncement reported as State Bank of India Vs. N. Sundermay, 1976-SC-1111 that such a termination was invalid. In view of my discussions above, I hold that the action of the Executive Officer, Cantonment Board, Kanpur in terminating the services of Shri K. N. Pandey, Ward Boy w.e.f. 10-6-78 is not fair or legal or just and as such the workman was entitled to be reinstated with full back wages. It may be mentioned here that the workman has categorically stated in his statement that he had not been gainfully employed during the period after the termination of his services in spite of his efforts and I do not see any reason to disallow him his wages for this period and this issue is decided accordingly.

7. For my discussions and findings above, it is awarded that the action of the Executive Officer, Cantonment Board, Kanpur in terminating the services of Shri K. N. Pandey, Ward Boy, with effect from 10-6-78 is not fair legal or just, it is further awarded that the workman is hereby reinstated with full back wages. The workman would also be entitled to his costs in these proceedings which are assessed at Rs. 500.

Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

Dated : the 9th February, 1981.

MAHESH CHANDRA, Presiding Officer

[No. I-13012(1)/79-D.II(B)]

New Delhi, the 13th March, 1981

S.O. 1060.—Is pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of the Government of India Press, Santragachi and their workmen, which was received by the Central Government on the 9th March, 1981.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CALCUTTA**

PRESENT :

Mr. Justice R. Bhattacharya, M.A., B.L., Presiding Officer.

Reference No. 20 of 1976

PARTIES :

Employers in relation to the management of the Government of India Press, Santragachi,

AND

Their Workmen.

APPEARANCES :

On behalf of Employers.—Mr. B. R. Ghosal, Advocate.

On behalf of Workmen.—Mr. N. N. Mukherjee, Advocate, appears for the Union.

Mr. Matiah Roy appears for and on behalf of Sreekanta Chakravorty, added party

Mr. Ajoy Kr. Das, appears for Sri Probodh Kumar Das, added party.

AWARD

On the basis of its Order No. L-16012/1/76[DII(B)] dated 25th May, 1976, the Government of India sent this Reference under Section 10 of the Industrial Disputes Act, 1947 to this Tribunal for adjudication of an industrial dispute between the employers in relation to the management of Government of India Press, Santragachi, hereinafter referred to as the "Press" and their workmen represented by the Vice-President, Government of India Press Industrial Employees Union, Santragachi, hereinafter referred to as the "Union" in respect of the following issue :

"Whether the demand of the workmen of the Government of India Press, Santragachi that Sravashri Amaresh Chandra, Sarkar, Chittaranjan Baidya and Adhir Kumar Aich, Book Binders Grade I should be promoted as Section Holders with effect from 1-4-69, 1-4-69 and 17-6-71, respectively is justified? If so, to what relief are the said workmen entitled?"

2. The Union as well as the Press appeared in this case and filed their respective written statement. The case of the Union, to be brief, appearing in its written statement is that the concerned workmen mentioned in the Order of Reference, namely, Amaresh Chandra Sarkar, Chittaranjan Baidya and Adhir Kumar Aich were holding the permanent post of Binders in the Binding Section of the Press and promoted to the post of Report Writers. In terms of the agreement Rule No. 42/239/58-A(I) dated 1-2-62. This promotion was with effect from the year 1962-63. There after there was a recommendation of a Categorisation Committee set up by the Central Government in 1964. Previous to the recommendation of the Committee, the posts in the Binding Section were as follows according to seniority :

Designations	Scale of pay.
(i) Foreman	Rs. 200—383
(ii) Checker	Rs. 150—180
(iii) Asstt. Foreman I	Rs. 125—180
(iv) Report Writer	Rs. 110—180
(v) Asstt. Foreman II	Rs. 100—143
(vi) Binder	Rs. 100—130

According to the recommendation of the said Committee the post mentioned in Sl. Nos. (i) to (v) were abolished and in their place were inserted Section Holder and under it Binder Grade I. The scale of the Section Holder was 175-240 and the scale of Binder Grade I Rs. 150-180. Recruitment rules were framed to make appointment at the initial constitution of the post of Book Binder Grade I as Memo No. 22/3/66-AI dated 18-4-1967 was issued. According to the rules framed in 1967 Book Binder Grade I was to be filled up from different sources mentioned therein including Report Writers and accordingly the three concerned workmen were absorbed in the post of Book Binder Grade I obtaining their option. This absorption was with effect from 1-1-1966. Subsequently these rules were amended and according to that amendment the concerned workmen were reverted to the post of Report Writer. Subsequently, however, by an order dated 4-7-70 the three concerned workmen were promoted again to newly sanctioned post of Book Binder Grade I with effect from 6-7-70. The concerned workmen raised a dispute to the Regional Labour Commissioner in 1972. The claim of the workmen at that time was for continuity of service in the post of Binder Grade I with effect from 1-1-66 and their seniority. There was a decision of Allahabad High Court in the meantime regarding a similar dispute in respect of a case which was in favour of the concerned workmen and on the basis of that judgment a representation was made to the Press but it was not considered. On the other hand, four junior workmen, namely, Sreekanto Nandy, Chitta Ranjan Naskar, Probodh Kumar Das and Bhuban Mazumdar were promoted to the post of Section Holder, neglecting the legitimate claim of the concerned workmen, with effect from 1-4-1969, 1-4-69 and 17-6-71 and 5-7-71 respectively. Regarding the absorption of the concerned workmen in the supernumerary post of Book Binder Grade I and the promotion of junior officers to the post of Section Holder neglecting the claim of the concerned workmen, a representation was made. The claims of Amaresh Chandra Sarkar, Chittaranjan Baidya and Adhir Kumar Aich were that they would be absorbed as Section Holders with effect from 1-4-69, 1-4-69 and 17-6-71 respectively the dates from which they ought to have been promoted to the said post had they not been illegally reverted to the post of Report Writers. It has been alleged from the side of the Union in the written statement that the actions on the part of the management of the Press were arbitrary, mala fide, illegal and unjustified and that the junior officers ought not to have been promoted to the post of Section Holder.

3. The case of the Press appearing in the written statement should also be stated in short. As stated by the Press, according to Memo No. 2/3/66-AI dated 18-4-67 issued by the Chief Controller of Printing and Stationery, now known as Director of Printing, Report Writers were placed at the third position in order of preference for absorption or promotion to the cadre of Binder Grade I as on 1-1-66 at the initial constitution. The Departmental Promotion Committee drew up a panel according to this Memo on 25th April, 1968 and again on 15th June, 1968 to fill up the newly created posts of Binder Grade I. In view of the provisions in the said Memo Amaresh Chandra Sarkar, Chittaranjan Baidya and Adhir Kumar Aich, the concerned workmen in the present dispute who were all Report Writers at that time were empaneled and promoted on ad hoc basis to the post of Binder Grade I with retrospective effect from 1-1-66. Subsequently the said Memo dated 18-4-67 was partially amended by another Memo No. 5/28/68 AI dated 21-2-69. According to the rules contained in that memo the Report Writers were reverted from the third position to the fifth in order of preference for absorption in the post of Binder Grade I at the initial constitution as on 1-1-66 against the said newly created posts. According to this second memo of 1969 the concerned workmen did not get any place in the panel prepared on 18th March, 1969 to be absorbed in the post of Binder Grade I and as such they were reverted to their erstwhile post of Report Writers with effect from 1st April, 1969. Subsequently these three persons were promoted to the post of Binder Grade I with effect from 6-4-1979 when their turn came according to the second recruitment rules. Three temporary supernumerary posts of Binder Grade I were created for the period

from 1st April 1969 to 5th July, 1970 in lieu of equal number of posts of Report Writers at the Press at Santragachi under Memo No. 25-7-72 AI dated 14-10-74. In view of this order Amaresh Sarkar, Chittaranjan Baidya and Adhir Kumar Aich were absorbed in the post of Binder Grade I against the newly created supernumerary posts and with this appointment they achieved the linkage and continuity in service as Binder Grade I with effect from 1-1-66 to 5-7-70 covering the broken period of their reversion for the period from 1-4-69 to 5-7-70 and thus they gained their original seniority in the post of Binder Grade I with effect from 1-1-66. During the period of their reversion to the post of Report Writers till subsequent absorption to the post of Binder Grade I, three persons junior to them in the post of Binder Grade I and one senior in Binder Grade I were promoted to the higher post of Section Holder on ad hoc basis. In view of the decision by the Director of Printing in his Memo No. 25/2/72 AI dated 14-11-75 the panel for promotion to the Section Holder (Binding) was to be redrawn and all ad hoc appointees were to be reverted. As some binders of Grade I junior to the concerned workmen had been officiating in the post of Section Holder for several years their cases were to be considered for reversion to the erstwhile post of Binder Grade I and their records were to be placed before the Departmental Promotion Committee. Since the meeting of the said Committee could not be held due to some administrative reasons, the cases of the concerned workmen along with others could not be finalised and steps were being taken to convene a meeting when the written statement of the Press was filed. It is stated further that in the meantime Amaresh Chandra Sarkar had been promoted to the post of Section Holder (Binding) with effect from 1st January, 1976 on ad hoc basis against an available vacancy and at the time when the written statement was filed the two remaining concerned workmen could not be promoted due to the non-availability of any vacancy of Section Holder (Binding) against the unreserved quota. It is stated that in the facts and circumstances Amaresh Chandra Sarkar, Chittaranjan Baidya and Adhir Kumar Aich, Binder Grade I could not be promoted to office of Section Holder with effect from 1-4-69, 1-4-69 and 17-6-71 respectively and the said claim is neither justified nor tenable.

4. The persons added as parties to the instant proceeding also filed separate written statement. Bhuban Mohan Mazumdar in his written statement has stated that his promotion to the post of Section Holder with effect from 5-7-71 was justified as at that time he was senior to Amaresh Chandra Sarkar, Chittaranjan Baidya and Adhir Kumar Aich according to the rules then prevalent because those three persons were reverted from the post of Binder Grade I to their erstwhile post of Report Writer, according to the rules contained in the memo of the year 1969. According to Memo No. 25/7/72 AI dated October 14, 1974 the three concerned workmen got their original seniority in the post of Binder Grade I with effect from 1st January 1966 due to their promotion to the supernumerary post of Binder Grade I. In the premises the added party Bhuban Mohan Mazumdar prayed for an award.

5. The other two added parties, namely, Srikanta Chakravorty and Probodh Kumar Das also filed separate written statement. Srikanta Chakravorty submitted his written statement in the same line as adopted by Bhuban Mohan Mazumdar and there is nothing new to be mentioned here.

6. According to the written statement of Probodh Kumar Das he was recruited in the Press at K. S. Roy Road as Binder in 1947 and thereafter he was transferred to Santragachi as a promotee to the post of Section Holder. Probodh Kumar Das being the senior most in the combined Seniority list was given promotion according to the rules. He was promoted with effect from 17-6-71 being senior to Amaresh Chandra Sarkar, Chittaranjan Baidya and Adhir Kumar Aich as the latter three were reverted from the post of Binder Grade I to their erstwhile post of Report Writers. By virtue of Memo No. 25/7/72 AI dated 14-10-74 the concerned workmen were given original seniority in the post of Binder Grade I with effect from January 1, 1966. It is stated that award may be passed in accordance with the facts stated.

7. In the rejoinder filed by the Union in reply to the written statement of the Press, it is stated that Memo No. 5/28/68-AI dated 21st February, 1969 did not affect the concerned workmen who had already enjoyed the benefits as provided in the original order dated 18-4-67. It is also stated that the concerned workmen were not given their due position with effect from 1-4-69 as stated in paragraph 11 of the written statement.

8. In this case the Union has examined two of the concerned workmen, namely Chittaranjan Baidya and Amaresh Chandra Sarkar. Probodh Kumar Das and Srimanta Chakravorty, two added parties have been examined. On the side of the management only one witness has been examined. Several documents have been marked exhibits on behalf of the parties.

9. The case of the union as submitted by Mr. N. N. Mukherjee, the learned Advocate is simple. It is submitted from the side of the union that in view of Memo No. 22/3/66 AI dated 18-4-67 the three concerned workmen Amaresh Chandra Sarkar, Chittaranjan Baidya and Adhir Kumar Aich were promoted to the post of Binder Grade I obtaining their option. Up to this stage there is no objection. But the objection lies in the fact that these three workmen were reverted to the post of Report Writers on the basis of Memo No. 5/28/68 AI dated 21-2-69 which amended the earlier memo dated 18-4-67 by reducing the post of Report Writer to the Fifth position from the Third position and thereby some juniors to them were promoted to the post of Binder Grade I. This reversion of the concerned workmen and the promotion of workmen junior to these three were illegal. The next contention is that not only were the junior workmen promoted to a higher post of Binder Grade I but also they were illegally promoted to the higher post of Section holder and according to the contention of Mr. Mukherjee the three concerned workmen should not have been reverted to the post of Report Writers but, on the contrary, they should have been promoted to the post of Section Holder instead of the junior workmen.

10. The submission of Mr. Ghosal, learned Advocate for the Press is that there was no malafides on the part of the Press Authorities. At first the concerned workmen were promoted to the post of Binder Grade I according to the rules framed in 1967 already mentioned but in view of the amendment of the said rules by Memo dated 21-2-69, the three concerned workmen were reverted and some junior workmen were promoted to the post of Binder Grade I and naturally when the question of promotion to the post of Section Holder came up for consideration, those junior workmen were promoted to that office because the concerned workmen though previously senior to them were reverted and thus made juniors. In consequence so long as the rules were there, the Authorities of the Press could not retain the concerned workmen in the post of Binder Grade I nor could they be promoted to the post of Section Holder. It is submitted that these promotion were regulated by a Selection Committee, meaning Departmental Promotion Committee, which considered the relevant rules for appointment and subsequently in view of the orders in Memo No. 25/7/72 AI dated 14-10-74 the concerned workmen were promoted to Binder Grade I and their original seniority was maintained due to the creation of supernumerary post of Binder Grade I. Later on, however, according to the submission of Mr. Ghosal all the three concerned workmen were promoted to the post of Section Holder and the juniors were reverted from the post of Section Holder to the office of Binder Grade I.

11. Mr. M. Roy appearing for Srikanta Chakravorty contended that when Srikanta was according to the rules then prevalent promoted to Binder Grade I and when the concerned workmen were reverted to their former post of Report Writers, the seniority of Srikanta should have been maintained all through and when he was promoted to Section Holder there was no occasion for reversion to the post of Binder Grade I. Further, his contention is that in fact Srikanta Chakravorty was senior to the three concerned workmen in service and, therefore, he should not have been reverted from the office of Section Holder to that of Binder Grade I. It is prayed that an award should be given in his favour declaring that he was entitled to be retained in the office of Section Holder and that his reversion to the post of

Binder Grade I was illegal. Similar was the contention raised on behalf of the added party Probodh Das at the time of hearing.

12. Of the concerned workmen two have been examined in this case, one is Chittaranjan Baidya and the other is Amaresh Chandra Sarkar. Chittaranjan Baidya is WW-1. In his evidence he made statements to say when he was appointed and what was his grade. He has given evidence that according to his seniority on the appointment to the post of Binder Grade I, he was entitled to the next higher post of Section Holder due on 1-4-69 and his grievance is that his junior Srikanta Chakravorty was illegally promoted to that post. His evidence is that he was promoted to the post of Binder Grade I in 1966 on ad hoc basis.

13. WW-2 Amaresh Chandra Sarkar has stated during his evidence that he should have been promoted to the office of the Section Holder on 1-4-69 being senior. He has, however, admitted that on 1-1-76 he was promoted to the office of Section Holder and the other two concerned workmen were also promoted in the year 1979 on different dates. His grievance is that due to this late promotion he suffered monetary loss and he is entitled to monetary benefits claiming the wages for the post of Section Holder with effect from 1-4-69 on which date he ought to have been promoted to that office. According to this witness Ext. W-13 shows that Chittaranjan Baidya and Benoy Krishna Sirdar were promoted to the office of Section Holder on 9-2-79 and similarly Srikanta Chakravorty was reverted to his substantive post of Binder Grade I. This Srikanta Chakravorty was, however, promoted to the post of Section Holder on 1-4-69.

14. Of the added parties Probodh Kumar Das and Srikanta Chakravorty have been examined. From Probodh Kumar Das we get that from 1971 he started working as Section Holder but he was reverted to the post of Binder on 9th February, 1979 and at the time of evidence he is Binder Grade I. He has admitted that he was working as Section Holder on ad hoc basis. This witness, it appears from his evidence, was promoted to the post of Binder Grade I from the post of Binder after the creation of the said post of Binder Grade I. Srikanta Chakravorty has stated in his evidence that from 1st April, 1969 he was promoted to the post of Section Holder and at that time the three concerned workmen were reverted to the post of Report Writer from the post of Binder Grade I. His grievance is that when he became senior to the concerned workmen the Government was wrong in reverting him from the post of Section Holder to Binder Grade I on 9-2-79.

15. The Press has examined one A. V. Bodas. He was the Manager of the Press on 26th July, 1978. He was examined on 16-3-79. He has stated that Amaresh was absorbed in the post of Section Holder from 1-1-76 and Chittaranjan in that post from 9-2-79 on regular vacancies but as there was no vacancy the third concerned workman, namely, Adhir Aich could not be absorbed for want of vacancy but he was in the panel and would be absorbed whenever vacancy would arise. The post of Section Holder (Binding) is a Selection Post. For this office both seniority and merit count. For the appointment in the post of Section Holder, the seniority of the employees to their previous post as Binder Grade I was to be considered and in fact they were considered with effect from 1-1-66. The added parties were subsequently reverted from the post of Section Holders as they were found actually junior to the concerned workmen and the promotion of the added parties to the post of Section Holder was on ad hoc basis. From him we get that the added parties were reverted to their erstwhile posts with effect from 9-2-79. It appears from his evidence that one Benoy Kumar Sirdar belonging to Scheduled Caste was the third man to be promoted to the office of Section Holder after the two concerned workmen, as per recommendation of the Departmental Promotion Committee. This Benoy Kumar Sirdar was given the post as he belonged to the Scheduled Caste and as such there was no vacancy for the promotion of Adhir Kumar Aich at that time. It appears from the evidence of this witness, as there were the rules of promotion issued in the year 1967 amended by the rules in 1969, the concerned workmen could not have been promoted to the post of Section Holder as claimed by them.

16. In this case oral evidence of the witnesses is not of much importance. The decision regarding the dispute raised in this reference will, however, depend upon the admitted facts coupled with the effect of construction of Memo

No. 5/28/68 AI dated 21-2-69. According to the first Memo, namely Memo No. 22/3/68 AI dated 18-4-67, Ext. M-1, the initial constitution of cadre of Binder Grade I was to be filled up on the basis of seniority-cum-fitness from certain categories as mentioned there including Report Writers (Bindery) mentioned in category No. (iii). Admittedly the three concerned workmen were upgraded to Binder Grade I on taking their option. To this gradation there is no dispute from any of the parties. Next came the disputed Memo dated 21-2-69 which amended the Memo dated 18-4-67 by reshuffling the categories for the purpose of constitution of Binder Grade I. According to this memo the category of Report Writers goes down to the category No. (v) and several categories which were according to the previous memo below Report Writers were placed above the category of Report Writers. After this memo the Press Authority reverted the three workmen in question to their former post of Report Writers demoting from the post of Binder Grade I by bringing employees of certain other categories which were below Report Writers previously in place of the three workmen in question. The grievance of the workmen started from this reversion of the three workmen. Their grievance was that when once they were promoted to the post of Binder Grade I from a category which was higher than some others from which junior employees were promoted in their place, such order is not maintainable in law and the said memo cannot be binding upon the concerned workmen.

17. In the present case on taking option from the concerned workmen they were fitted in Binder Grade I by virtue of memo dated 18-4-67. The position was accepted by the workmen and the Press at the relevant time. The second memo dated 21-2-69 cannot alter the position of the workmen and cannot change the service condition without the consent of the affected workmen. If any rule is made for the benefit of the workmen and if that rule regulates the service condition and duly accepted by the parties concerned, the employer has no right to change the service condition against the interest of the workmen without taking their consent. If the proposed service condition is prejudicial to the interest of the workmen in particular, option of the affected workmen is essential. Moreover, in the present case there is no indication that the memo dated 21-2-69 will have retrospective effect. In this view of the matter the Press acted illegally in reverting the three concerned workmen to category of Report Writers from the position of Binder Gr. I. The action of the Press cannot be supported when it reverted the workmen from the post of Binder Grade I and filled in the gaps by promotion of employees who were junior to the concerned workmen. The evidence shows that the Press understood the difficulty and admittedly the three workmen were again promoted to Binder Grade I giving the benefit of continuity of their service in such grade during the broken period when they remained in the category of Report Writers on reversion and their seniority was maintained and upheld. Up to this stage again there is no grievance from the side of the concerned workmen. Their real grievance lies elsewhere. Admittedly, when the three concerned workmen remained on reversion in the category of Report Writers, certain junior employees who were in fact junior in grade even when the former were promoted to Binder Grade I, were promoted to the higher selection grade post namely, Section Holder. Four such persons according to them were promoted. The claim of the aggrieved workmen is that when they have been given seniority in the post of Binder Gr. I and when their reversion to the category of Report Writers was illegal and untenable, they should have been promoted to the Selection grade with effect from those dates when the junior employees were promoted and in any event, they should have been given the monetary benefit regarding pay etc. for such selection post of Section Holder with effect from those dates.

18. The admitted fact further is that in the meantime the junior persons to the concerned workmen who were promoted to the post of Section Holder were reverted to their erstwhile categories. It is also admitted by the parties that in the meantime the three concerned workmen have been promoted to the selection post of Section Holder. Amaresh Chandra Sarkar was promoted on 1-1-76 and Chittaranjan Baidya from 9-2-79. There is no dispute also that Adhir Kumar Aich was also subsequently promoted. There is no dispute also that the junior employees who were promoted to the post of Section Holder earlier were appointed in ad hoc basis. The question therefore, is whether in the facts and circumstances of this case the three concerned workmen can claim any benefit in respect of the post of Section

Holder with effect from the date on which such junior workmen were working on ad hoc basis. I am afraid, the workmen cannot as a matter of right claim any benefit in respect of the Section Holder's office with effect from those dates because the junior employees were working only temporarily on ad hoc basis. They had no claim to that office on ad hoc basis and so also for temporary appointment there can be no such claim. Moreover, the Tribunal is to see whether there was any malafides on the part of the Press Authority in the matter of giving promotion to such persons on ad hoc basis. In the present case as already stated, the trouble arose due to the introduction of the second memo dated 21-2-69. The Press Authority bonafide acted on that direction and ultimately, it appears, the Press in order to do justice give the benefit to the concerned workmen for the period of reversion by giving them their previous seniority and not only that, in order to do justice the authority reverted the junior employees to their former position and gave promotion to the three concerned workmen to the post of Section Holder at their earliest convenience. Not only was there any question of malafides but, in fact, the Press Authority did justice to them by giving promotion. In the facts and circumstances, therefore, I do not find any reason to hold that the three concerned workmen can claim their appointment to the post of Section Holder with effect from 1-4-69 and/or 17-6-71 as mentioned in the Schedule to the order of reference.

19. I have been referred to the decision of the Allahabad High Court, a copy of which has been marked Ext. W-4. I have gone through that judgment and it does not help the workmen at all for holding that they will be entitled to the claim of appointment on ad hoc basis to the post of Section Holder as stated. The claim of the workmen is untenable.

20. During argument it was contended on behalf of the added parties that their reversion from the post of selection grade was illegal, that such reversion should be declared illegal and that it should be held that they are entitled to Section Holder's office. I cannot consider this sort of contention in view of the nature of reference sent by the Central Government to this Tribunal for decision. According to this reference this Tribunal is only to see whether the claim that Amaresh Chandra Sarkar, Chittaranjan Baidya and Adhir Kumar Aich should be promoted as Section Holder with effect from 1-4-69, 1-4-69 and 17-6-71 respectively is justified. No dispute was raised on behalf of the added parties and no such dispute was sent to this Tribunal for decision. In this view of the matter I cannot entertain that claim.

21. As discussed above, my finding is that the concerned workmen can get no claim as indicated in the Schedule to the Reference.

The award is accordingly passed.

Dated, Calcutta,
The 2nd March, 1981.

R. BHATTACHARYA, Presiding Officer

[No. L-16012(1)/76-D.II(B)]

New Delhi, the 16th March, 1981

S.O.1061.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award under Section 33-A of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of Beas Sutlej Link Project and their workmen, which was received by the Central Government on the 2nd March, 1981.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, NEW DELHI

I.D. No. 17 of 1979

STATE : HIMACHAL PRADESH

Shri Ram Nath Tractor Operator,
B. S. L. Project, Village Vikapur
P.O. Ganguwal, Tehsil Anandpur
Sahib, District Ropar.

.. Petitioner

Versus

1. Chief Engineer, B. S. L. Project
Sundernagar.
2. The Superintending Engineer,
B. S. L. Construction Circle No. 1,

.. Respondent.

AWARD

Sundernagar

Shri Ram Nath has filed this application u/s 33-A of the I.D. Act, 1947. On receipt thereof it was ordered to be registered as an Industrial Dispute and notice was issued to the respondent. In pursuance of the said notice a written statement was filed on behalf of the Management side. The contention of the workman was that his services had been terminated w.e.f. 26-10-78 even though an application u/s. 33-C(2) of the I.D. Act, 1947 was pending before this court that this termination results change of service conditions of the workman within the meaning of Section 33 of I.D. Act and in as much as the same had been effected without permission from this court the same was not valid and hence this application.

2. The facts are not denied on behalf of the Management. What is contended is by the Management that this application is not maintainable in as much as no Industrial Dispute within the meaning of Section 33 was pending before this court at the time when services of this workman were terminated.

3. After the written statement was filed the workman absented and did not appear despite of the repeated notices issued to the workman for appearance. After he had absented for four hearing ex-parte proceedings were ordered against the workman and case was adjourned for ex-parte evidence to 24th May, 1980. On 24th May, 1980 the evidence of Management was not present and the case was adjourned to 5th July, 1980 and ultimately ex-parte evidence was recorded on 9th February, 1981. Ex-parte evidence of the management consists of statement of Shri O. P. Verma as M.W.I. He has tendered into evidence his affidavit Ex. M.W.1/1. I have heard him and have gone through the pleadings of the parties of affidavit of Shri O. P. Verma. Shri O. P. Verma is the Executive Engineer (Personnel) of BSL Project and he has urged that the application filed by the workman u/s. 33-A was not maintainable in as much as no Industrial Dispute within the meaning of Sec. 33 was pending before this court at the time of service of the workman was terminated. From the perusal of the application, para 1 filed by the workman I find that the contention of the workman is that an application u/s. 33-C(2) was filed before this court on 24-8-78 and para 2 shows that his services were terminated on 26-10-78. Finally it is stated by the workman in para 7 that since that application was pending the workman could not be terminated without the permission of this court in accordance with Sec. 33 of the I.D. Act, 1947. Let us now consider the provisions of Sec. 33-A. It enables the workman to file an application before the Labour Court/Industrial Tribunal when there is a violation of section 33 of the I.D. Act, 1947. Thus unless there is violation of section 33 of the Act Section 33-A does not come into operation. A perusal of Section 33 would show that it comes into play only when an Industrial Dispute is pending either before conciliation authorities or before any Labour Court or Industrial Tribunal or an Arbitrator. Now the question is whether the petition u/s. 33-C(2) is an Industrial Dispute within the meaning of Section 33 of the Act. Section 33-C(2) of the I.D. Act, 1947 is a summary remedy provided for computation of wages etc. No new right can be established u/s 33-C(2) of the I.D. Act, 1947. In fact the proceedings u/s. 33-C(2) are not only of summary nature but further also are in the nature of execution proceedings in so far as a existing right only can be computed under the said section and no new right can be established. In view thereof it would follow that the proceedings u/s. 33-C(2) does not qualify as an Industrial Dispute. That being the position section 33 would not be attracted to this case of the workman and as long as Section 33 is not attracted provisions of Section 33-A would not be available to the workman so as to enable him to file this petition.

4. In view of my discussions above, I hold that this petition is not maintainable even on the admitted facts and as such it is awarded that the application is not maintainable and the workman is not entitled to any relief and the application of the workman is dismissed but the parties are left to bear their own costs.

Further ordered :

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA, Presiding Officer.

Dated : the 24th February, 1981

[No. L-42014(1)/81-D.II(B)]

New Delhi, the 17th March, 1981

S.O.1062.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workman represented by Food Corporation of India Workers Union, Calcutta.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 20 of 1980

PARTIES :

Employers in relation to the management of F.C.I.

AND

Their workmen

APPEARANCES :

On behalf of Employers—Mr. P. K. Niyogi, Deputy Regional Manager, F.C.I.

On behalf of Workmen—Mr. Ashoke Kumar Ghosh, Assistant Secretary, Food Corporation of India Workers' Union.

STATE : West Bengal **INDUSTRY :** Food

AWARD

This is a reference under Section 10 of the Industrial Disputes Act, 1947 sent by the Government of India to this Tribunal by its Order No. L-42012(3)/78-D.II(B) dated 17th March, 1980 for adjudication of an industrial dispute between the management of F.C.I. and their workmen represented by F.C.I. Workers Union, as mentioned in the Schedule below :

"Whether the action of the Regional Manager, F.C.I., Calcutta in refusing resumption of duty by S/Shri Sahadeb Swain, Netrananda Kandi and Krishna Chandra Routh workers of Cossipore Depot with effect from 30-4-76, 29-9-76 and 29-11-76 respectively and all benefits such as continuity of service and wages etc. to them for the periods of non-employment i.e. 15-12-75 to 12-10-77, 1-5-76 to 2-1-77 and 14-2-76 to 2-11-77 respectively, is legal and justified ? If not, to what relief are the workmen entitled ?"

2. To-day was the date fixed for filing written statement by the Union and in the absence of written statement it was to be heard ex-parte. Mr. Ashoke Kumar Ghosh is present on behalf of the F.C.I. Workers' Union and Mr. P. K. Niyogi, Deputy Regional Manager, F.C.I. is present on behalf of the Food Corporation of India. Both the parties submit that an award may be passed in terms of the agreement arrived at between the parties which is filed. I have heard both the parties and have gone through the Memorandum of Settlement arrived at on 13-1-81 between the parties. I find that the compromise is voluntary, legal and reasonable.

3. As prayed for by the parties, I pass an Award in terms of the Memorandum of Settlement which shall form part hereof as Annexure "A".

Dated, Calcutta,

The 14th January, 1981.

R. BHATTACHARYA, Presiding Officer.

[No. L-42012/3/78-D.II(B)]

S. S. BHALLA, Desk Officer

ANNEXURE 'A'

Memorandum of settlement arrived at on 13-1-81 between the Management of F.C.I. Calcutta and their workmen represented by FCI Workers Union by bipartite discussion in respect of the dispute over refusal of resumption in duties to S/Shri Sahadev Swain, Netrananda Kandi & Krishna Chandra Routh of Cossipore Depot.

Name of the Parties—Shri P. K. Niyogi,

Representing Employer—Dy. Regional Manager (Stg.), Food Corporation of India, Regional Office, Calcutta.

Representing workmen—Shri A. K. Ghose, Asst. Secretary, FCI, Workers' Union.

SHORT RECITAL OF THE CASE

Shri Sahadev Swain, H/L of Cossipore Depot, who was on leave on medical ground came to join his duty on 5-6-76 with a fit certificate from the R. G. Kar Medical College Hospital. He was not allowed to resume his duty as Medical Officer of Cossipore Depot directed him to appear before the FCI Medical Board. The Medical Board made him unfit temporary for six months and advised him for further treatment. The services of Shri Netrananda Kandi, H/L of Cossipore Depot, was terminated on 7-6-77 on account of his long absence without intimation w.e.f. 1-5-76. The services of Shri Krishna Ch. Routh HL/ of Cossipore Depot, was terminated on 17-6-77 on account of his long absence without intimation w.e.f. 14-2-76. The FCI Workers' Union raised an I.D. for not allowing Shri Swain to resume his duties on the basis of the Hospital certificate and also over the termination of Shri Routh and Shri Kandi, before the RLC(c) Calcutta. Conciliation proceedings held by the ALC(c) II, Calcutta ended in failure. Subsequently the above dispute was referred to the Tribunal by the Govt. of India vide its order No. L-42012(3)/78-D.II(B) dt. 17-3-80.

Shri Swain was, however, allowed to resume his duty on 13-10-77. Shri Kandi and Shri Routh were taken back into employment w.e.f. 3-11-77. But the dispute regarding payment of back wages to these workers remained unsettled. After holding several discussions at bipartite level it has been agreed to settle the dispute on the following terms.

Terms of Reference

1. Shri Sahadev Swain shall be deemed to have been on duty with all benefits including leave from the date he came to join his duty with a fit certificate from R. G. Kar Medical College Hospital till the date of his joining duty i.e. from 5-6-76 to 13-10-77 and shall be paid full wages for such period.

2. Shri Netrananda Kandi shall be deemed to have been on duty with all benefits including leave from the date, i.e. 27-9-76, he submitted a petition praying for resumption in duty and shall be paid full wages from 27-9-76 to 2-11-77. The intervening period from 1-5-76 (date of commencement of his absence) to 26-9-76 will be treated as extraordinary leave without pay.

Shri Krishna Ch. Routh shall be deemed to have been on duty with all benefits including leave from the date, i.e. 7-12-76, he submitted a petition praying for resumption in duty and shall be paid full wages from 7-12-76 to 2-11-77. The intervening period from 14-2-76 (the date of commencement of absence) to 6-12-76 will be treated as extraordinary leave without pay.

Representing Employers.

Representing workmen

1. P. K. Niyogi,

Dy. Regional Manager,
Food Corporation of India,
West Bengal Region.

1. (A. K. GHOSH)
Asstt. Secy. FCI Workers
Union, Calcutta

Witnesses

1.
(M. K. BISWAS)

2.
(MOTILAL SAHA)

Dated : 13-1-81 Calcutta.

New Delhi, the 13th March, 1981

S.O. 1063.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on the 2nd March, 81.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM: LABOUR COURT, NEW DELHI.

I. D. No. 32 of 1978.
STATE : UTTAR PRADESH.

Shri Radhey Sham c/o Shri O. P. Nigam,
General Secretary,
U.P. Bank Employees' Congress,
295/387, Deen Dayal Road, Ashrafabad,
Lucknow.

Petitioner

Versus ..

The Regional Manager,

Allahabad Bank, Hazaratganj, Lucknow.... Respondent.

PRESENT : None for the workman

Shri M. K. Verma for the Bank.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-12012/108/77-D.II.A dated the 6th March, 1978 referred an Industrial Dispute in the following terms to this Tribunal u/s 10 of the I.D. Act, 1947:

'Whether the action of the management of Allahabad Bank in terminating the services of Shri Radhey Sham Kapoor, Cashier-in-charge Malihabad Branch of the Bank with effect from 15-4-77 is justified? If not, to what relief is the workman entitled?

2. On receipt of the reference notices were sent to the parties. A statement of claim was filed by the workman to which a written statement was filed by the Bank and only one issue as 'In the terms of reference' was ordered to be framed. The contention of the workman is that he was employed as Cashier with the respondent bank in June, 1949 and his services were terminated on 15-4-77 when he was working as Cashier Incharge in branch office Malihabad and the said termination was illegal, un-warranted and un-enforceable. The contention of the bank on the other hand is that the workman had become incapacitated due to an attack of paralysis and was not in a position to discharge his duties and in consequence he was got medically examined and he was discharged from service upon the report of the Chief Medical Officer, Lucknow.

3. These facts are practically admitted by the parties and as such no oral evidence was necessary in the case. I have perused the pleadings and have gone through the documents produced on record and I have come to the conclusion that the action of the Management of Allahabad Bank in terminating the services of Shri Radhey Sham Kapoor, Cashier Incharge, Malihabad Branch of the Bank w.e.f. 15-4-77 is not justified.

It is admitted by the bank that this workman was working Cashier Incharge on 15-4-77 when his services terminated but keeping in view the contention of the bank it has been argued by Shri M. K. Verma, the representative of the bank that the services of the workman were terminated under para 522 of Sastri Award. From the perusal of para 522 of Sastri Award I find that it is not attracted by the facts of this case. Copy of the termination order of the services of the workman has been filed by the bank and from the perusal thereof I find that it is dated the 15th April, 1977. This copy is admitted by the representative of the workman and it reads as under:

'Your service is hereby terminated with effect from the close of work today i.e. 15th April, 1977. Three months' pay and allowances are being paid to you in lieu of notice. Please acknowledge receipt.'

A perusal of this letter shows that there is no reference of para 522 of Sastri Award in it but it appears that this letter has to be read with another letter dated the 15th April, 1977, copy on record (which too is admitted) which reads as under:

'We regret to inform you that since you are incapable of any gainful employment in the Bank for your physical incapacity due to paralysis of your left inner and lower limbs, we cannot continue you any further in the service of the Bank and reluctantly terminate your service as per letter of termination enclosed herewith (Letter No. Staff/152 of 15-4-77). Please acknowledge receipt'

The earlier letter re-produced above is thus an enclosure of this letter. When both of these are read together, they show that the services of this workman have been terminated for physical incapacity. To establish the said physical incapacity the workman was got medically examined and original report of the Chief Medical Officer, Lucknow has been filed which again is admitted by the representative of the workman. It is dated 23rd June, 1978. From the perusal of this letter I find that the opinion of the Doctor is that 'on examination I find that he is suffering from paralysis left upper and lower limb. He is able to work with his right hand but he cannot use his left hand effectively.' From the perusal of this report it cannot be said that the workman had become incapacitated to discharge his duties as Cashier Incharge. There is no other evidence to suggest that the workman was not capable of discharging his duties. Thus in this case it cannot be said that even the ground taken up by the bank for terminating the services of this workman did exist in fact. The Chief Medical Officer has not categorically stated in his report that the workman was not capable of discharging his functions as Cashier Incharge and therefore it would follow that the termination in the instant case is bad and cannot be given effect to.

5. We may consider this matter from yet another angle. Admittedly this workman had been in service since 1949. Admittedly the services were not terminated for misconduct. In view thereof this termination would attract the provisions of Sec. 25-F of the I.D. Act, 1947 and would qualify as a retrenchment. No retrenchment compensation was paid to this workman and in view of the principle of law laid down by the Hon'ble Supreme Court of India in N. Sundermany's case the termination would be bad on that ground as well.

6. From whichever angle I may consider the matter I come to the conclusion that the order of termination of services of this workman cannot be sustained and is therefore set aside and the workman is reinstated with full back wages. It may be mentioned here that it has neither been suggested by the bank nor otherwise established on record that the workman is gainfully employed after the termination of his services and therefore I do not see any reason to dis-allow the workman full back wages. Accordingly this issue is decided in favour of the workman and against the Management.

7. For my discussions and findings above, it is awarded that the termination of services of this workman w.e.f. 15-4-77 is not justified and the workman is reinstated with full back wages. Workman would be entitled to his costs which are assessed at Rs. 500.

Further ordered :

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

[No. L-12012/108/77-D. II (A)]

MAHESH CHANDRA, Presiding Officer.

Dated : the 23rd February, 1981.

S.O. 1064.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Orissa, in the industrial dispute between the employers in relation to the management of United Bank of India, and their workman, which was received by the Central Government on the 5th March, 1981.

INDUSTRIAL TRIBUNAL, ORISSA, BHUVANESWAR

Industrial dispute case No. 4 (central) of 1980

Dated Bhubaneswar, the 28th February, 1981

BETWEEN

The employers in relation to the management of United Bank of India.

First—party.

AND

Shri Jagannath Sahu—Second-party.

APPEARANCES:

Shri Anil Sen
Deputy Chif Officer,
Personnel Department,
United Bank of India.

.....For the first-party.

Shri P. K. Panda,
Personnel Officer,
United Bank of India.
Shri L. Choudhury,
Secretary,
United Bank of India,
Karamchari Samity.

For the second-party.

AWARD

The Government of India in the Ministry of Labour, New Delhi, in exercise of the powers conferred by Section 7-A and Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, have referred the following dispute to this Tribunal for adjudication vide Order No. L-12012/141/79-D.H.A. dated 13-6-1980:

"Whether the action of the management of United Bank of India in relation to their Bhutamandi Branch, District Cuttack in dismissing Shri Jagannath Sahu, Driver-cum-Peon with effect from 15-11-1978 was justified? If not, to what relief is the workman concerned entitled?"

2. The management while filing the written-statement had prayed in para 9 that the preliminary issue as to the validity and propriety of the domestic enquiry proceedings and the findings thereof should be taken up. So this case is now confined only to the preliminary issue as to whether the domestic enquiry conducted against the second-party workman was proper or not. In this connection the management had relied on the case reported in 1979-II L.L.J. 194.

3. The second-party workman who was working as a driver-cum-peon under the first-party management was alleged to have stolen about 60 litres of diesel oil from the van belonging to the first-party management on 29-12-1976. So a charge-sheet was issued against him and after calling for his explanation, a domestic enquiry was held against him in which he was given all reasonable opportunities and the enquiry was conducted in a fair manner. As the charges against the second-party workman were established, he was dismissed from service after observing all the formalities. Even his appeal to the higher authorities was rejected.

4. The second-party workman takes the plea that the charges against him were false and frivolous and he was illegally discharged. There was no eye-witness to the occurrence and that the enquiry made against him was one-sided and that no scope was given to him or to his representative to defend him. On the date of the occurrence he was not in charge of the van in question. The witnesses J. Mohapatra, the shop-keeper and his co-driver Ali simply spoke falsehood in order to implicate him. The Agent did not conduct any enquiry on 30-12-1976 and the second charge of wilful insubordination was vague and the allegation that he caused wilful damage to the van of the first-party management was false as there was no police case about the accident. As the management had a grudge against him such action was taken.

5. The first-party management in their written-statement while stating that the case of the management was proved and the charges against the second-party workman were established submitted that the domestic enquiry which was conducted against the second-party workman was properly done and that he was given all reasonable opportunities to take part in the domestic enquiry and the second-party workman fully took part in the domestic enquiry and after giving him all opportunities after conclusion of the domestic enquiry, he was dismissed from service.

6. The issue now is whether the domestic enquiry conducted against the second-party workman was properly conducted and whether the second-party workman was given all reasonable opportunities and whether the findings against the second-party workman were proper or not.

7. The management examined the officer who conducted the domestic enquiry against the second-party workman and in his lengthy statement he proves the various papers connected with the domestic enquiry. Ext. 1 is the letter issued to the second-party by the Agent calling for a report from him about the allegation that he had stolen diesel oil from the Bank's van and Ext. 2 is the charge-sheet. Ext. 3 is the explanation of the second-party workman in reply to

the charge-sheet. Ext. 4 is a letter of the second-party workman intimating that he came for the enquiry to defend himself. Ext. 5 is the domestic enquiry file. It is clearly stated by him, and it is also recorded in the domestic enquiry file that the second-party workman could be represented by any office-bearer of the trade-union or by any co-worker and the second-party expressed his desire to present his own case in person and also declined to produce any witnesses on behalf. The charges were read over and explained to him and also his explanation which he said that he understood the contents. The domestic enquiry shows that six witnesses were examined on behalf of the management and this has been stated by the management's witness. The first witness who spoke against the second-party workman was not cross-examined by the 2nd party workman. The other witnesses excepting the last witness were cross-examined by the second-party workman. The management also produced Ext. 6/1, the log book proved by this witness showing that approximately 30 litres of diesel were found in the vehicle. The witness states that on all pages excepting one one page of the domestic enquiry file the second-party signed. He explains the delay for submitting his enquiry report as he was involved in an accident and as he had to conduct other enquiries. It is clear from the evidence of this witness and also from the domestic enquiry file that he was given ample opportunity and chance for a personal hearing. By the letter, Ext. 8, the second-party workman was called for a personal hearing and as he did not appear he was given another chance as per Ext. 9 to attend the personal hearing. Ext. 10 is the letter written by the second-party asking for time for personal hearing and it was received much later after the date of personal hearing. Ext. 11 is the letter written by the second-party that he received the first letter for personal hearing after much delay. As per Ext. 12 the second-party was given further opportunity for personal hearing. Ext. 13 is the document written at the time of the personal hearing and signed by the second-party also. Ext. 14 is the report of the punishing authority and Ext. 15 is the office copy of the order of dismissal. Against that order the second-party preferred an appeal. Ext. 16, and he was further given a chance by the appellate authority as per Ext. 17 for a hearing. Ext. 18 shows that the appeal of the second-party was dismissed by a reasonable order passed by the Special Officer, Personnel Department. The second-party wrote a letter, Ext. 19, to let him know the result of his appeal and he was intimidated by Ext. 20 that his appeal was dismissed.

8. It may be mentioned here that the domestic enquiry file clearly shows that he was given all reasonable opportunities by the first-party management and the Enquiry Officer had given his findings after thoroughly discussing the evidence led in the domestic enquiry.

9. In the cross-examination the witness MW1 says that all the charges against the second-party workman were proved. He did not know that 22-10-1976 was a holiday due to Diwali and this question was not raised at the enquiry. This point was raised because the second party disputes that he caused accident of the vehicle on 22-10-1976. It was contended by the second-party for the first time during the course of hearing and also at the time of arguments that the proceedings were conducted in Hindi and the second-party was not conversant with that language. But this point cannot be accepted in view of the admission made by the second-party in his cross-examination that he could understand Hindi though he could not speak it. Practically there was no cross-examination worth the name of the management's witness to elicit that there was grudge against the second-party because of his trade-union activities and he being a member of the United Bank of India Shramik Karamchari Sangha.

10. The second-party workman in his deposition states that on the date of occurrence one Ali was in charge of the vehicle and he was not in charge of it. He further states that he was not explained anything by the Enquiry Officer who simply told him that he recorded the statements of the witnesses and that he should sign and he signed. This cannot be accepted in view of the fact that the statements clearly show that he cross-examined the witnesses excepting two witnesses. He does not speak specifically in his deposition as to how the domestic enquiry conducted against him was not proper excepting stating that he was not explained anything by the Enquiry Officer. In his cross-examination he denies that the Union refused to represent him as they were convinced that he committed theft. He further

states that he complained orally to the Chief Officer that he could not follow Hindi and he was asked to sign. He further states that examination of Jayant Mohapatra was not conducted in his presence and by the time he went there, this cross-examination was already over and he was asked to sign and so he signed. This cannot be accepted because the domestic enquiry file clearly shows that he was present at the time when the enquiry was conducted as he signed on the first page and also signed on the second page of the deposition. In my opinion, the enquiry conducted against him was quite in order and the points raised by the second-party workman that it was not proper cannot be accepted.

11. The management had relied on the case reported in 1963-II LLJ 367 in which the Hon'ble Supreme Court had laid down the principles as to how the domestic enquiry should be conducted. They are as follows :—

"An enquiry cannot be said to have been properly held unless—

- (i) the employee proceeded against has been informed clearly of the charges levelled against him.
- (ii) the witnesses are examined—ordinarily in the presence of the employee—in respect of the charges;
- (iii) the employee is given a fair opportunity to cross-examine witnesses.
- (iv) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and
- (v) the enquiry officer records his findings with reasons for the same in his report."

As submitted by the management, all these principles have been clearly followed in this case. The management had further relied on the case reported in 1975-II L.L.J. 352 in which the Supreme Court has laid down that when a workman is dismissed as a result of domestic enquiry, the only power which the Labour Court has is to consider whether the enquiry was proper and if it was proper, no further question arises. As already observed, in this case the domestic enquiry was quite proper and all the formalities were observed in this case. The management further cited the case reported in A.I.R. 1963 Supreme Court 779 which is not exactly on the point. It has been laid down in that case that the court cannot consider whether the ground of mis-demeanour alone would have weighed with the authority in dismissing a public servant.

12. In his turn the workman had cited a number of decisions which are not exactly applicable to the facts of this case. He cited some decisions which have not been supplied for my perusal. It must be noted that simply quoting some decisions which are not applicable and which are not supplied does not serve the purpose. He relied on the case reported in 1969-I L.L.J. 350 which is not applicable to the facts of the present case because in that case there was no opportunity given to the petitioner for personal hearing although she prayed for the same in her explanation to the charges. In this case the second-party workman had been given a chance for personal hearing. He also relied on the case reported in 1968-I L.L.J. 596 in which a temporary servant was removed from service without giving him any opportunity to explain and the order of termination was passed causing stigma on the petitioner. There is no such allegation in this case. He relied on the case reported in 1966-II L.L.J. 595 in which there was a failure on the part of the Enquiry Officer to hold an oral enquiry and permit the delinquent officer to examine defence witnesses and so it was held that amounted to failure to give reasonable opportunity to defend himself within the meaning of Article 311(2) of the Constitution of India. That case evidently is not at all applicable to the facts of the case which point I have already discussed in detail. He cited a case reported in A.I.R. 1974 Supreme Court 136, but that is a case with respect to an order purported to have been passed to terminate the services of an employee with retrospective effect and that an order of discharge simpliciter is not conclusive and when an industrial dispute is raised, the Tribunal adjudicating such dispute can examine the substance of the matter and determine whether the termination is in fact discharge simpliciter or dismissal. The question of discharge simpliciter does not arise in this case. The second-party workman further relied on the case reported in A.I.R.

1959 Supreme Court 1342 which is also not applicable because it is a case regarding contract of service and the liability of the master to pay wages for the suspension period when there is no power to suspend and the question regarding the power of the Industrial Tribunal to grant interim relief. He also cited the case reported in 1965-II L.L.J. 214 which relates to the question of master and servant relationship as in that case the employee who was recruited by the Coalfield Recruiting Organization to work in a particular colliery was the employee of the management of such colliery and the conclusion to the contrary arrived at by the Industrial Tribunal was held to be erroneous in law. The case reported in A.I.R. 1966 Punjab 447 cited by the workman relates to the Central Civil Services (Classification, Control and Appeal) Rules, 1957 (Rules 15 and 18) and it was a case of conviction for Contempt of Court. So none of these decisions is on the point.

13. In the result I find that the domestic enquiry conducted against the second-party workman was quite in order and he was given all opportunities according to law. Hence the issue is answered against the second-party workman.

14. Hence I hold that the action of the management of United Bank of India in relation to their Bhutamundi Branch, District Cuttack in dismissing Shri Jagannath Sahu, Driver-cum-Peon with effect from 15-11-1978 was justified and the workman concerned is not entitled to any relief.

15. The Award is passed accordingly.

M. V. GANGARAJU, Presiding Officer.

[No. L-12012/141/79-D.II(A)]

Dated : 28-2-1981.

New Delhi, the 16th March, 1981

S.O. 1065.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of M/s. Narang Bank of India Limited and their workman, which was received by the Central Government on the 2-3-81.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, NEW DELHI

I. D. No. 163 of 1977

In re:

STATE : Delhi.

Shri Bhagwan Das Chopra, 60, Shivaji Park, Shahdara, Delhi-32.

.....Petitioner.

Versus

1. The Chairman, The Narang Bank of India Ltd., 3/16, Asaf Ali Road, New Delhi.
2. United Bank of India, 16, Kasturba Gandhi Marg, New Delhi.

.....Respondent.

PRESENT

Shri J. R. Sood, Advocate for the workman.

Shri N. C. Sikri, for Narang Bank.

Shri S. N. Bhandari, for United Bank of India.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-12012/83/75/D.IIA dated the 9th July, 1975 referred an Industrial Dispute u/s 10 of the I. D. Act, 1947 to Industrial Tribunal Delhi in the following terms:

Whether the action of the management of the Narang Bank of India Limited, New Delhi in terminating the services of Shri Bhagwan Das Chopra with effect from the 10th February, 1975, is justified? If not, to what relief is the said workman entitled?

2. On receipt of the reference it was ordered to be registered and notices were issued to the parties. The statement of claim was filed by the workman on 21-8-75 and a written statement was filed on 17-9-75. Finally a rejoinder was filed on 17-10-75 and upon the pleadings of the parties following 8 issues were framed for trial vide order dated the 7th November, 1975:

1. Whether the reference made by the appropriate Govt. is bad in law, illegal and merits to be struck down in view of the Preliminary Objections No. 1 to 6 raised by the management in its written statement ? (M)
2. Whether the reference made by the Central Govt. is without application of Mind, against principle of natural justice and bad in law in view of the preliminary objections nos. 2 to 6 in the written statement - (M)
3. Whether the impugned reference made by the appropriate Govt. is against the public and legislative policy as per preliminary objections raised in the written statement no. 3 and 4 ? (M)
4. Whether the reference as made by the Govt. is contrary to the provisions of the Sastry and Desai Awards as contended by the management in its written statement under preliminary objections nos. 6, 7 to 13 ? (M)
5. Whether the workman who was appointed purely on temporary basis for a fixed duration of 5 months was validly and genuinely confirmed as contended by him in his statement of claim ? (W)
6. Whether the alleged confirmation effective from 1-10-74 is based upon forged/fabricated document as contended by the management in its written statement ? If so, to what effect ? (M)
7. Whether the management as per submissions made in the written statement and in the circumstances of the case has lost confidence in the workman and if so to what effect ? (M)
8. As in terms of reference. (M)

3. The workman examined himself as WW1 and he closed his evidence on issue no. 5 on 21st May, 1976. The Management examined three witnesses on 20-9-76 and two more witnesses on 20-9-76 and the evidence of the management was closed by Industrial Tribunal, Delhi vide his order dated 20-9-76. On 5-11-76 an application seeking review of order dated 20-9-76 whereby evidence of Management was closed was filed on behalf of Narang Bank but the same was rejected. On 20-9-76 an application was filed on behalf of the workman in which it was requested that United Bank of India be impleaded as a party in as much as Narang Bank of India has been taken over by the United Bank of India and all the assets and liabilities have been transferred to United Bank of India. Notice was given to both the Narang Bank of India and United Bank of India and vide order dated 19th November, 1976 the application of the workman was allowed and the United Bank of India was impleaded as a party and an amended statement of claim impleading United Bank of India as a party was ordered to be filed vide order dated the 19th November, 1976 and amended statement of claim was filed on 1-12-1976.

4. This case was then transferred to this Tribunal in July, 1977 whereupon it was ordered to be registered and notices were issued to the parties. After the notices were served a written statement was filed by the United Bank of India and then replication was filed by the workman and the Narang Bank of India. The Narang Bank of India also filed written statement to the amended statement of claim. In the meanwhile talks for compromise started between the parties but as no compromise was arrived at case was adjourned for production of remaining evidence of the parties if any to 19-7-78 on which date evidence of United Bank of India was not present and adjournment was granted subject to payment of Rs. 100 as costs and case was adjourned to 23rd August, 1978. On 23rd August, 1978 one witness was examined on behalf of the United Bank of India and evidence of United Bank of India was closed. Thereafter an application was filed on behalf of the United Bank of India seeking permission to cross examine the workman but the said application was rejected by me vide

order dated 17-10-78 in view of the fact that the United Bank of India had not taken up any new plea and rather in substance adopted the written statement of Narang Bank of India and finally the case was adjourned for arguments. Before arguments were heard Shri N. C. Sikri, counsel for Narang Bank of India came forward with a statement on 13-12-78 that 'he did not press issues no. 1 to 4.' Thus only issues which now merit determination are issued No. 5 to 8. I have gone through the evidence produced by the parties and have heard the counsel for the parties at length and after giving my considered thought to the matter before me I have come to the following findings upon these issues:

5. Issues No. 5 and 6:

Both these issues are in a way connected and therefore are proposed to be discussed together.

6. From the perusal of statement of claim filed on behalf of the workman it would be found that the contention of the workman is that he had joined the services of erstwhile Narang Bank of India on 12-7-74 as a clerk-cum-typist and was posted at Phagwara Branch; that the workman was confirmed on 1-10-74 vide confirmation letter issued by the Branch Manager of Phagwara Branch; that in consequence of the said confirmation provident fund of the workman was also started to be deducted from the workman's salary; that the services of the workman were terminated w.e.f. 10-2-75 vide order dated 8-2-75; that the said termination was illegal, unjustifiable and unenforceable and as such a notice was sent to a counsel to the Bank calling upon the Bank for reinstatement of the workman but to no effect; that after necessary conciliation proceedings this reference was made and hence the workman has claimed to be reinstated with full back wages and other benefits.

7. The contention of the Narang Bank of India in the instant case as disclosed from the written statement is that the workman was a temporary workman and was never confirmed and the alleged letter of confirmation was a result of fraud perpetrated upon the Bank by the brother of the workman in collusion with workman and other persons and as such the order of termination was valid. Other objections having been given up by Mr. Sikri need not be mentioned here. It is finally urged by the Bank that the order of termination is a valid order and the Bank had lost confidence in workman in any case and was not entitled to reinstatement.

8. The United Bank of India has apart from adopting the objections taken up the Narang Bank of India further stated that the workman was not entitled to any relief against the United Bank of India and in any case he was not entitled to any relief for reinstatement.

9. The workman has come forward himself as WW1 and has stated that he was employed by the Management at its Phagwara Branch on 12-8-74 and on 1-10-74 he was given a letter of confirmation by the Branch Manager which is Ex. W/1 and provident fund was deducted from his salary thereafter. It is further stated by him that on 10-2-75 he was given a letter of termination which is Ex. W/2 and then he served a notice upon the Management and ultimately went to the Conciliation Officer. During cross examination it is admitted by him that he was temporary when he was first appointed. It is further stated by him that the letter Ex. W/1, which is confirmation letter was not issued under any misrepresentation. It is also stated by him that he had not said that he should be appointed for five months only and thereafter he would be appointed in the railways. He has alleged that Ex. W/1 was not forged although it is admitted by him that Shri Ishwar Dass Chonra was his brother and was working at its Head office. He has admitted Ex. M/2 to be correct copy of the reply of the Bank to his notice and has further stated that he did not send any further reply to Ex. M/2. He has denied the suggestion that his work was bad and has stated that he never received any warning from the Manager that he should improve his work and it was never told to him that he was not cooperative or his standard of efficiency was poor; that his behaviour with his colleagues was unsatisfactory. He has expressed his ignorance about the fact that Chairman was the only person competent to confirm him.

10. As against this evidence of the workman, the Management has examined Shri P. L. Juneja, the then Chairman of the Narang Bank of India as M.W.1 who has stated that he had appointed the workman vide appointment letter Ex. M/3 which he clarified was a letter written to the Manager confirming his action of appointing the workman. Regarding Ex. M/4 it is stated by him that it was signed when it was blank and had been signed with a view to meet exigencies for operating the bank account etc. and that the text of letter Ex. M/4 was typed subsequently without his knowledge. He has even stated that he did not know about this text till 4-10-74 when he left the bank service. It is admitted by him that he did sign letters as Manager also although he was a Chairman. Regarding Ex. M/1 he has stated that it was issued on the basis of Ex. M/5 to Ex. M/7. During cross examination it is admitted by him that he had resigned from the bank as he had exceeded his powers of lending money which was objected to by the Reserve Bank of India. Although denied by him that his gratuity and provident fund contributions were withheld on account of his bad conduct it was admitted by him that its payment had not yet been made even on 20-8-76. It is also stated by him that he did not remember when he had gone when the blank paper on which Ex. M/4 was typed was given. He could not recollect even the month when the said blank paper was given. He has admitted that the Branch Manager at Phagwara Branch Shri B. M. Bambi was a reliable man and had never committed any fraud. It is admitted by him that there was a despatch section in his office with a despatch clerk but could not say whether Ex. M/4 was despatch to the Branch Manager though it bore despatch number. He further says that he learnt about Ex. M/4 in mid November, 1974 when Mr. Bambi had told him about it but by that time he had no concern with the Management. It is also stated by him that it was not the practice in the Management to confirm anybody in the service right from beginning but he could not recollect that there was any person who was so confirmed. He could not even recall if Mr. R. K. Soni was confirmed from the very beginning.

11. Shri Hans Raj Mahendroo is MW2. He is a clerk of the United Bank of India and his statement relates to the salary bill register of the Bank. He has admitted his signatures upon Ex. M/1, salary bill of September, 1974 and the said signatures are encircled mark 'A' and has further stated about the correctness of Ex. M/1 and mark 'B' in Ex. M/1 which refers to an entry of salary of Shri Bhagwan Dass, workman in this case whereunder a note 'appointed temporary for five months as per head office letter No. 6391 dated 14-9-74' finds place. It is stated by him that when the workman received his payment in September, 1974 this entry was there and the workman did not say anything about it. He has during cross examination admitted that he was working in the said bank for the last 10 years. It is admitted by him that Ex. M/1 was prepared twice as there was mistake in the first. The said cancelled bill is Ex. W/3 which is also stated by him to bear his signatures. Ex. W/4 is the salary bill for the month of October, 1974 and he has admitted it to be correct and has further admitted the endorsement encircled 'A' on it to be correct. This endorsement refers to the provident fund deductions in respect of Shri Bhagwan Dass. It may be mentioned here that on the entry regarding Bhagwan Dass no such remarks has found place regarding temporary nature of his employment in the salary of September, 1974 exhibited as Ex. M/1 exists rather there is a reference to Head office letter No. 6456 dated 20-9-74 in respect of deductions of provident fund of Shri Bhagwan Dass which is encircled mark 'A'. Likewise there is an entry Ex. W/5 regarding salary bill for the month of November, 1974 and encircled note mark 'A' thereupon and he has admitted the same to be correct. It is stated by him that such like entries are made at the instance of the Manager and under his directions. It is also admitted by him that the workman Bhagwan Dass celebrated by entertaining them to tea on his confirmation and all the employees of the branch joined it. It is also stated by him that copies of salary register Ex. M/1 are sent to the Head office regularly and such copies from August, 1974 to February, 1975 were sent and these contained the entries at 'B' in Ex. M/1, 'A' in Ex. W/5 and Ex. W/4 and these copies were sent for the purpose of apprising the Chairman of things happening in the branch and no quarrel ever came why the provident fund was deducted in respect of the workman herein. It is significant to note here that this witness has admitted that entry at 'B' in Ex. M/1 was made subsequently to create evidence

against the workman and it was not there in September, 1974 when the workman signed the register. He has admitted that his statement to the contrary was not correct. It would be further important to mention here that in spite of this categorical statement of this witness no request was made on behalf of the bank to get this witness declared hostile or for cross examining this witness which implied that the bank had accepted this part of his statement to be correct. I would advert to the effect thereof later on.

12. Shri Ravinder Kumar Soni is Special Assistant of United Bank of India, New Delhi Branch and has been examined as M.W.3. He was previously a Special Assistant in Narang Bank of India Ltd. since 3-11-72 and during cross examination he has stated that he had been treating himself as confirmed though no confirmation letter has ever been issued to him and he had started treating him confirmed six months after joining. It is admitted by him to be correct that provident fund was being deducted ever since he joined service. M.W.4 is Shri Dharam Vir Nanda, Sub Manager of Narang Bank of India Ltd. since retired and he is the person who was operating the bank account of the Management as Accountant with Shri P. L. Juneja. He has tried to support the statement of M.W.1, regarding blank papers signed by him being given for operation of the bank account. During cross examination it is admitted by him that R. K. Soni was confirmed right from the time he was appointed. He is the same R. K. Soni who has been examined as M.W.3. It is during cross examination admitted by him that one Mr. Atri was not happy with Shri I. D. Chopra, real brother of the workman but he could not say if this was the reason why service of the workman were terminated. It is admitted by him that Shri I. D. Chopra was Asstt. Secretary of the Union. It is also admitted by him that the Chairman was informed of any new entrant to the provident fund register. Mr. Atri happened to be the Chairman succeeding M.W. 1. M.W. 5 is Shri Madan Mohan Lal Chadha, Agent, United Bank of India, New Delhi, Asaf Ali Road Branch who has stated that before going to United Bank of India he was in Narang Bank of India in its Asaf Ali Road Branch. It is admitted by him during cross examination that provident fund contribution was paid to an employee of the bank on his confirmation only. It is further stated by him that a person who got provident fund contribution was treated as confirmed. It is also stated by him that to his knowledge no objection about giving provident fund contribution was raised and it was raised by Mr. Atri during an enquiry only and the enquiry was held after the services of the workman had been terminated.

13. The only evidence led by the United Bank of India is the statement of Shri R. R. Rav. Personnel Officer thereof who has stated that the workman was never after taking over of Narang Bank of India by the United Bank of India raised any demand with the United Bank of India. He has proved agreement Ex. M/2/1 and has stated that United Bank of India was not bound to make over under this agreement if this workman is reinstated.

14. These issues have to be decided in the light of the evidence discussed above. From the perusal of the said evidence I find that there is no weight in the contentions of the bank that the workman was never confirmed or that he was appointed on temporary basis. Although the bank has contended that the workman was appointed temporarily in the beginning but bank has been able to produce the first letter of appointment whereby this workman was appointed. Rather from the perusal of Ex. M/35 which is letter dated 12-8-74 from Manager, Phagwara Branch of Narang Bank of India Chairman it is clear that initial appointment of workman was without reference to any period or without reference to it being temporary. Ex. M/5 reads as follows:

'As per the undersigned the telephonic talk with your goodself regarding the above said post, we have appointed Shri Bhagwan Dass as clerk-cum-typist at this office who has joined the duties today. His emoluments shall be as under:

A. Basic salary Rs. 158 (being graduate).

B. D.A. as per Bank award which is at present 126 per cent of basic pay.

Application of Shri Bhagwan Dass is enclosed herewith for your information and n.a. please. Please confirm our action.'

It was followed by another letter Ex. M/3 which is dated August, 31 regarding the payment of salary to Shri Bhagwan Dass. This letter reads as under:

'As per the telephonic talk with your goodself to-day the forenoon of the 31st August, 1974 we have paid the salary to Mr. Bhagwan Dass for the month of August, 1974 as under:

a. Basic salary—158 (Being Graduate).

b. D.A. as per bank award which is as present 126 per cent of basic pay.

Please confirm our action.'

In between another letter dated the 29th August, 1974 was issued by the Branch Manager to the Chairman which reads as under:

"Please refer to this office letter No. 1433 dated 12-8-74 regarding Clerk-cum-typist post. You are requested to take the necessary action at your earliest."

From the perusal of these letters it cannot be said that Shri Bhagwan Dass was appointed in a temporary capacity or for a limited period of five months. The element of temporary nature of his appointment was introduced by letter dated the 14th September, 1974 from the Chairman to the Branch Manager, Phagwara which is erroneously mark Ex. M/3 and it was acknowledged by the Branch Manager vide Ex. M-3/1 dated the 19th September, 1974:

'Reference your correspondence resting with your letter No. 1587 of the 29th August 1974, your action is confirmed on appointing Shri Bhagwan Dass as clerk-cum-typist with effect from 12th August, 1974. This appointment is temporary for five months from 12th August, 1974, you may keep us informed about the performance of his duties from time to time. Please own receipt.'

15. From the perusal of these documents it cannot be inferred as to what led to introduction of element of temporary nature of appointment of Shri Bhagwan Dass. The suggestion by M.W.1 was that the workman had given to understand that he had been selected for railway service and would be joining that service after sometime and wanted this service for about five months but this fact is denied by the workman himself as W.W.1 specifically in his statement. There is nothing with regard to thereto which can be gathered either from Ex. M/5 or Ex. M/3. The bank has produced the original application filed by Shri Bhagwan Dass for that employment which is admitted on behalf of the workman and is included at serial no. 1 of the list of documents filed on 17-10-75/7-11-75 from the court and from the perusal thereof I do not find that the workman has anywhere mentioned therein that he was seeking employment for a limited period only or that he had been selected for appointment with railways. The denial of the workman coupled with the application referred to above by me and the contents of Ex. M/3 and Ex. M/5 it is difficult to believe that there is any truth in the statement of ex-chairman of the bank that the workman had sought temporary appointment for a limited period. Incidentally it may be mentioned here that the Management has not cared to summon any witness from the railway Department to show that this workman had in fact been selected for any employment by the railways. I have already observed above that the element of temporary nature of appointment for a period of five months from 12th August, 1974 was first introduced by letter dated the 14th September, 1974 from the Chairman to the Branch Manager and it did not find place till then. In view thereof it would be difficult to hold that the workman had been appointed on temporary basis for a limited period of five months initially.

16. Even assuming that the workman had been so appointed for a temporary period of five months the said temporary appointment matured into a permanent appointment after he was confirmed in the service of the bank vide letter copy Ex. M/8 which was issued by the Chairman to

the Manager Phagwara Branch of the Bank. It is contended by the bank that this letter is a forgery but once the signatures on the said letter are admitted by M.W.1 heavy burden would lie upon the bank to establish that the said letter was a forgery. The bank has not in fact produced any evidence except the oral testimony of M.W.1 to prove that this letter Ex. M/8 is a forgery. It is admitted that a despatch register is maintained by the head office of the Narang Bank of India. It is also admitted that all correspondence emanating from the head office is entered in the despatch register but the said despatch register has not been produced for reasons best known to the bank. Ex. W/4 and Ex. W/5 which are the salary bills for the month of October, 1974 and November, 1974 go to show conclusively that the provident fund in respect of this workman was being deducted with effect from October, 1974. It is admitted by MW one after another that provident fund was deducted only in respect of confirmed employees. Therefore Ex. W/4 and Ex. W/5 also lead me to the conclusion that in pursuance of letter dated the 20th September, 1974 the workman stood confirmed and it was therefore that his provident fund started to be deducted. Let us at this stage refer to the testimony of M.W.5 Shri M. L. Chadha who has admitted that a person who got provident fund contribution was treated as confirmed. There is yet another important factor which cannot be lost sight of in this context. It is stated by this witness that regular reports of Ex. W/4 and W/5 were sent to the head office. So is stated by M.W. 2, Shri Hans Raj Mahendru. It is further stated by these witnesses that no objection what-so-ever to the deduction of contribution on account of provident fund was ever raised by the head office. This would only go to further confirm that the objection had not been raised because the authorities at the head office knew very well that the workman had been confirmed by them. If they had not known it they would have certainly raised objection thereto. They remained silent and silence would imply agreement consent.

17. The chairman as M.W.1 has admitted his signatures on the letter dated the 20th September, 1974 but a very weak sort of explanation is given by him for his signatures thereupon. His contention is that as and when he had to go out he would give certain blank papers signed by him to the office men so that the account of the bank is operated even in his absence. I am afraid if such a thing can carry weight or conviction with anybody much less with this court. It may be mentioned here that during cross examination of M.W.1 he could not tell precise dates or even month when the form on which letter dated 20-9-74 is alleged to have been forged was given by the Chairman. It appears that this explanation by the Chairman is an after thought.

18. Let us consider this matter from yet another angle. According to the contention of the bank the workman had been appointed w.e.f. 12th August, 1974 and five months expired on 12th January, 1975 but strangely enough and for reasons best known to the bank no action to terminate the services of this workman was taken until 10th February, 1975 when the letter of termination was handed over to this workman. It is not the case of the bank that any fresh letter of appointment was ever issued to the workman. It is also not the case of the bank that his appointment was extended. In view thereof also there is no chance of acceptance of the contention of the bank that the workman had been appointed for a temporary period of five months only.

19. Let us take the testimony of M.W.2. He is a witness examined by the bank and ordinarily the bank would be bound by his testimony. This witness has during cross examination categorically stated that the entry at B in Ex. M-1 was made subsequently to create evidence against the workman. After this statement of this witness it was open to the bank to make a request for getting this witness declared hostile and to seek permission to cross examine this witness. No such effort was made. No such request came from the bank side, presumably on the ground that the bank thought his statement to be correct. In any case failure of the bank to cross examine this witness would tantamount the acceptance of this part of his statement by the bank as correct and therefore now the bank cannot escape the consequences of his statement.

20. It has been urged before me on behalf of the bank that letter dated 20-9-74 was forged by Shri I. D. Chopra the brother of the workman who was working in the head office. It such is the position it would have been in the ordinary course that the bank would take action against Shri I. D. Chopra but it has not been proved that any such action against Shri I. D. Chopra had been taken by the bank which shows that this story of forgery is an after thought. It is admitted by the witness of the bank that Shri I. D. Chopra is an office bearer of the union and had been objecting to the confirmation of Shri R. K. Soni right from the very beginning and to the grant of a special pay of Rs. 75 to him. Presumably the Management felt sore about such action and thought it proper to dispense with the services of his brother. From whichever angle I may consider the matter I have come to the conclusion that the bank has failed to establish that the workman was not confirmed at any time and rather it is established that the workman had been confirmed in the service of the Bank.

21. In view of my discussions and findings above, I hold that the bank has failed to show that the workman had been initially appointed for a limited period of five months in temporary capacity and further also I hold that the bank has also failed to establish that the workman was never confirmed and both these issues in consequence are decided in favour of the workman and against the Management. I further hold that the bank has failed to establish that the confirmation of the workman was obtained as a result of forged or fabricated documents and both these issues are decided in favour of the workman.

22. Issue No. 7:

There is nothing in evidence produced by the Management to suggest even remotely that the bank had lost confidence in this workman. In any case the bank has not established any circumstance which led the bank to come to a conclusion that it has lost confidence. The bank has produced a copy of his confidential report but this report does not in any manner suggest that the conduct of the workman had been such as to raise a presumption that the bank has lost confidence in him. Not one witness of the bank has stated categorically that the bank has lost confidence in him. The burden of establishing this issue was upon the bank which the bank has failed to discharge and as such this issue is decided against the Bank.

23. Issue Nos. 1 to 4:

In view of the statement of the Id. counsel for the bank recorded on 13th December, 1974 no finding is called upon these issues as he had not pressed. Even otherwise in view of the statement of the workman as W.W.1 that a notice of demand was served by him upon the Management and then the matter was taken up with the conciliation officer also on 11-4-75, the objections of the bank to this reference cannot carry any conviction. Copy of the said notice is Ex. W/2. Reply even was sent by the bank to the workman. Copy of the said reply is Ex. M/2. In view of the principle of law laid down by the Hon'ble Supreme Court of India in S. N. Goyal Vs. Bank of Baroda it would follow that a proper demand notice was served upon the bank and there was a formal refusal by the bank and as such an Industrial Dispute had come into being within the meaning of I.D. Act. Further more the question involved in this case is of the termination of the services of the workman and as such is qualified as an Industrial Dispute within the meaning of Section 2-A and for that reason as well as it cannot be said that any of the objections incorporated in issues no. 1 to 4 can carry any weight whatsoever. There is nothing in the provisions of Sastry Award or Desai Award which in any manner help the Management in the instant case so as to invalidate the reference. It is not contended that the Central Govt. was not the proper Govt. in the instant case so as to make a reference. This Tribunal is a creation of the Central Govt. and cannot sit upon the Judgment of the Central Govt. regarding the propriety and desirability of making a reference in the instant case. In view of my discussions and findings above, the issues no. 1 to 4 are decided against the Management.

24. Issue No. 8.

In view of my findings upon issues No. 5 to 7 I hold that the termination of services of the workman by the Management w.e.f. 10th February, 1975 is not justified

and the workman is entitled to the normal relief of reinstatement with full back wages. The Management has not led any evidence to even remotely suggest that the workman was gainfully employed or engaged since the termination of his services. I do not see anything in the conduct of the workman which suggests that the workman was not entitled to normal relief or reinstatement and accordingly I hold that the workman is entitled to the relief of reinstatement with full back wages and this issue is decided accordingly.

25. Although no formal issue has been struck with regard to the contention of United Bank of India that it was not liable under the award but keeping in view the provisions of the agreement Ex. M.2/1 dated the 25th July, 1976 between United Bank of India and the Narang Bank of India, the United Bank of India would be liable for the award made in this reference. Reference may in this behalf be made to para 20 of the agreement and a perusal of para 20 of the said agreement would show that United Bank of India is liable for any award passed in this reference. It may also be mentioned here that in view of my findings that the order of termination of services of the workman was illegal and not justified and further order that the workman is entitled to be reinstated with full back wages the workman would be deemed in the permanent service of he bank at the time when this agreement Ex. M-2/1 came into force between Narang Bank of India and United Bank of India and as such the United Bank of India would be liable. Reference may be made here to the proviso to para 20 whereunder even a suspended employee would be an employee of the United Bank of India. From whichever angle I may consider the matter before me I hold that the United Bank of India would be liable in the award which is being passed in this reference.

26. For my discussions and findings above, it is awarded that the Action of the Management of Narang Bank of India, New Delhi in terminating the services of Shri Bhagwan Das Chopra w.e.f. 10th February, 1975 is not justified and is bad, illegal and un-enforceable and Shri Bhagwan Das Chopra is deemed to be in the continuous permanent service of the Narang Bank of India, New Delhi on and after the 10th February, 1975 and consequently non of U.B.I. Shri Bhagwan Das Chopra would also be entitled to his full back wages till date. He is also be entitled to the costs of this litigation which is assessed at Rs. 1,000. Further ordered:

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA, Presiding Officer.

Dated: the 30th January, 1981.

[No. L-12012/83/75-D.II(A)]

S.O. 1066.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad (A.P.), in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on the 4th March, 1981.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT:

Industrial Dispute No. 11 of 1979

BETWEEN

Workman of State Bank of India, Gudur, Nellore District, (A.P.).

AND

The Management of State Bank of India, Hyderabad Circle.

APPEARANCES

(1) Sarvashri K. Narasimham and D.S.R. Varma, Advocates for the Workman.

- (2) Sri K. Srinivasan Murty, Honorary Secretary of Andhra Pradesh Federation of Chamber of Commerce and Industry for Management.

AWARD

The Government of India, Ministry of Labour, New Delhi under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 through No. L-12012/95/78-D.IIA dated 14-6-1979 and Corrigendum No. L-12012/95/78-D.IIA dated 28-6-1979 has referred to this Tribunal the following dispute between the workman and the Management of State Bank of India, Cudur, Nellore District :—

SCHEDULE

"Whether the Management of State Bank of India, Hyderabad Circle is justified in punishing Shri C. L. V. Prasad, Clerk-cum-Typist, State Bank of India, Gudur Branch, Nellore District with stoppage of increment for two years ? If not, to what relief the said workman is entitled ?"

2. By my order dated 23-1-1981, I held that the domestic enquiry conducted in this case was fair. So now I will refer to only pleadings other than the pleadings which are having bearing in regard to the preliminary point which I already decided.

3. The plea of the workman is briefly as follows :—This workman has been working as a clerk-cum-typist in Gudur Branch of the State Bank of India (Guntur referred to in the claims statement is a mistake for Gudur). For an incident that took place on 4-9-1973, this workman was charge sheeted on 24-12-1974 for the alleged lapses on his part in handling a cheque book entrusted to him for eventual delivery to the customer Rasheed and the following charges were given to him :—

- (i) He failed to follow reasonable precautions for the safety of the cheque book entrusted to his care for eventual disposal to the constituent and displayed gross negligence in discharge of his duties.
- (ii) When the loss of the cheque book was notified to him between 12.45 P.M. and 1.00 P.M., the loss of the cheque book was not reported to the Accountant until 4 P.M. and that too when Shri Rasheed, the accountant holder insisted on him to deliver the cheque book intended for him.
- (iii) He obtained, without authority, a letter from Shri Rasheed to the effect that the cheque book was lost by him while the cheque book was in fact lost at his (employee's) hands.

The Enquiry Officer had not given reasonable opportunity to this workman in regard to the enquiry conducted by him. In spite of it, the Enquiry Officer gave benefit of doubt to this workman though he slyly made some observations without any basis, that the workman acted in an irresponsible manner. The disciplinary authority not only misconstrued the findings but also proceeded to reverse the findings to facilitate the imposition of the punishment thus making it clear that the punishment was pre-determined. The appellate authority confirmed the punishment without considering the matter in all its aspects. There are absolutely no justifiable reasons to reverse the finding of the Enquiry Officer, and benefit of doubt should be given to this workman. This workman being a participant in the trade union activities, this punishment, which was pre-determined, should be held as vindictive. Hence the punishment of stoppage of two increments is not only illegal but also mala fide and unjustified.

4. The case of the Management is briefly as follows:—The enquiry report submitted by the Enquiry Officer is not binding on the Management, and the Management can come to its own conclusion on the basis of the evidence on record. In the present case, the Management independently examined the proceedings and rightly came to the conclusion that the workman was guilty of the charges levelled against him. The allegations that the disciplinary authority proceeded to reverse the findings to facilitate the imposition of the punishment is not correct. That authority rightly came to the conclusion that the workman was guilty of the charges levelled against him on the basis of the evidence on

record. The Management is not aware of the trade union activities of this workman. The punishment awarded to this workman cannot be said to be pre-determined one, particularly to a case where the workman was negligent in safeguarding the cheque books entrusted to him. The stoppage of two increments to this workman cannot be said to be either mala fide or unjustified, as the Management after considering the mis-conduct committed by the workman awarded the punishment. The imposition of punishment is a managerial function and the same cannot be interfered with by this Tribunal.

5. In 1973 (I) LLJ page 278 (Workmen of Firestone Tyre & Rubber Co. v. Management), the Supreme Court held that to invoke Section 11A of I.D. Act, it is necessary that an industrial dispute of the type mentioned herein should have been referred to an Industrial Tribunal for adjudication. (vide para 31 at page 2944 of the above judgement). The relevant portion in Section 11A of I.D. Act is as follows :—

"Where any industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication....." (underlining is done by me for the purpose of emphasis).

So it shows that the said provision is applicable only in cases of an industrial dispute relating to the discharge or dismissal of a workman. But this is a case of industrial dispute relating to stoppage of increments for two years. So this is not a case of industrial dispute relating to the discharge or dismissal of a workman. Though at one stage the learned counsel for the workman urged that Section 11A of I.D. Act is attracted even in cases of punishment less than discharge or dismissal, it was fairly conceded in view of the above decision of the Supreme Court that Section 11A cannot be invoked in this case as this is not a case of industrial dispute relating to the discharge or dismissal of a workman. Hence this case has to be considered in the light of the decisions given in regard to the references that had arisen before Section 11A of I.D. Act had come into effect.

6. Before considering the material on record and the contentions of the parties, it is better to refer to the matters that have to be considered by the Tribunal, when the enquiry was held to be proper, as per the decisions of the Supreme Court. After referring to the various decisions of the Supreme Court and the various High Courts and Labour Appellate Tribunal, it was held as follows, in 1973 (I) LLJ, page 293 (Workmen of Firestone Type & Rubber Co. v. Management):—

- "(1) The right to take disciplinary action and to decide upon the quantum of punishment are mainly managerial functions, but if a dispute is referred to a Tribunal, the latter has power to see if action of the employer is justified.
- (2) Before imposing the punishment, an employer is expected to conduct a proper enquiry in accordance with the provisions of the standing orders, if applicable, and principles of natural justice. The enquiry should not be an empty formality.
- (3) When a proper enquiry has been held by an employer, and the finding of misconduct is a plausible conclusion flowing from the evidence adduced at the said enquiry, the Tribunal has no jurisdiction to sit in judgment order the decision of the employer as an appellate body. The interference with the decision of the employer will be justified only when the findings arrived at in the enquiry are perverse or the management is guilty of victimisation, unfair labour practice or mala fides.

- (4)
- (5)
- (6)
- (7)
- (8)

(9) Once the misconduct is proved either in the enquiry conducted by an employer or by the evidence placed before a Tribunal for the first time, punishment imposed cannot be interfered with by the Tribunal except in cases where the punishment is so harsh as to suggest victimisation.

(10) (vide para 29 of the above decision).

7. As I hold that the enquiry conducted by the employer in this case was proper, it has to be seen whether the finding of misconduct is a plausible conclusion flowing from the evidence adduced at the said enquiry. But the Tribunal has no jurisdiction to sit in judgement over the decision of the employer as an appellate body. The interference with the decision of the employer will be justified only when the findings arrived at in the enquiry are perverse or the management is guilty of victimisation, unfair labour practice or malafides. It can also interfere in cases where the punishment is so harsh as to suggest victimisation.

8. Keeping in view of the above observations, I will consider the material on record. In regard to charge 1 the Enquiry Officer observed as follows :—

"It is clear that he left the cheque book in the table/counter and either strayed away from his seat or allowed his attention to be diverted, rendering it possible for the cheque book to be stolen".

So it means that the Enquiry Officer held that this charge was proved. His observations in the same para "I am inclined to give the benefit of doubt to the employer for the following reasons" are only in regard to Charge 3 and not in regard to charges 1 and 2 and it is clear from the reasons given in that para (para 11 in Ex. M9) The Regional Manager i.e. Disciplinary Authority agreed with the finding of the Enquiry Officer in regard to this charge as can be seen from Ex. M 10. The appellate authority also agreed with regard to that finding as can be seen from Ex. M 14).

9. It is admitted that on 4-9-1973 Shri Rasheed customer of this bank approached this workman and requested him for issue of a cheque book. Then this workman prepared a requisition and obtained the signature of that customer and sent it to the Accountant, who was examined as P.W. 2 before the Enquiry Officer. Later on the same day, the said Accountant sent a cheque book to this workman for being delivered to the said customer. As per the rules, this workman branded all the leaves in the cheque book. According to this workman, the Accountant called him and he went there and he immediately returned to his seat as the Accountant informed him that he had not sent for, and then he found this cheque book missing. The charge is to the effect that he failed to follow the reasonable precautions for the safety of the cheque book entrusted to his care for eventual disposal to the constituent and thus displayed gross negligence in the discharge of his duties.

10. It was urged as follows for this workman.—The Accountant is the custodian of cheque books. As per the instructions of the bank, the ledger keepers should not be allowed to handle the cheque books. This workman was a ledger keeper. Hence it was not proper on the part of the Accountant to entrust the cheque book to this ledger keeper for being handed over to the customer. No procedure or rules are prescribed in regard to the precautions to be taken for proper custody of cheque books. Either in charge or in evidence no reference is made about the nature of precautions, nor it is stated that this workman violated such precautions. So when no rules are prescribed in regard to the same, the question of violating non-existing rules does not arise. Hence it has to be stated that his charge is not proved and so the finding of the Enquiry Officer and the other Officers in regard to this charge is perverse.

11. It was urged for the Management as follows:—If workman felt that he had nothing to do with the issue of cheque books, he ought not to have received the cheque book at all and branded it with Branch name stamp etc., Having received the cheque book, he cannot plead immunity from accountability for its disposal. It is true that there is neither prescribed procedure nor rules in regard to the precautions to be taken for proper custody of the cheque books. But as this workman is an employee in the bank, he knows the importance of the cheque book and the frauds that can be committed if it comes into the custody of unscrupulous persons. Hence in view of the nature of the document this

workman ought to have taken such reasonable precautions that are necessary for keeping it away from thieves etc. This workman had not stated as to where he kept this cheque book before he went to the Accountant. As this workman had not disclosed the precautions taken by him in preserving it except stating that it was left on his table, it has to be stated that there was gross negligence on the part of this workman and this cheque book was lost only because of his negligence. Hence in view of the material on record, it cannot be stated that the conclusion arrived at by the Enquiry Officer, disciplinary authority, and the appellate authority in regard to this charge is not a plausible conclusion nor can it be stated that it is a perverse findings.

12. The disciplinary authority rightly held that if this workman felt that as per the rules and instructions of the bank, he had nothing to do with the issuing of cheque books, he ought not to have received the same, and having received it he cannot escape from his liability for its loss. Hence there is no need to consider whether there was any irregularity on the part of the Accountant in passing on the cheque book to this ledger keeper for being handed over to the customer.

13. It is true that the Management had not referred to any rules or procedure in regard to the precautions to be taken by the ledger keeper in keeping the cheque books. It is also true that none of the witnesses for the Management had referred to the precautions to be taken in regard to the same. But at the same time as this workman was working as a clerk in a bank, he could easily know the importance of a cheque book and the fraud that could be committed by unauthorised persons if they get at it. It is true that every document in the bank is an important document. But it is only in regard to cheques and cash, frauds can be easily committed. So in regard to the cash and cheque books, in view of the nature of those items, the employees of the bank have to take reasonable precautions in keeping them, even though there are no prescribed rules or procedure in regard to the same. This workman had not stated about the precautions taken by him in keeping this cheque book. Hence in view of the material on record it cannot be stated that the conclusion arrived at by the concerned authorities of this bank is not a plausible conclusion in regard to this charge and much less it can be stated that it is a perverse conclusion, and I find accordingly.

14. In regard to charge 2, though the Enquiry Officer held that it was established that this workman did not inform his superiors immediately after his noticing the loss of the cheque book, he observed that he would appear to have failed in this regard with a hope that he could trace the missing cheque book indicating thereby that this charge cannot be held as proved. But the disciplinary authority and the appellate authority proceeded on the footing that this charge was held as proved.

15. In regard to charge 3, the Enquiry Officer observed that benefit of doubt had to be given to this workman in regard to this charge, while disciplinary authority and the appellate authority held that his charge is proved. Of course it is open to the disciplinary authority or appellate authority to differ from the conclusion arrived at by the Enquiry Officer. But I am constrained to observe that the appellate authority had not referred to the relevant material in regard to this charge before holding that this charge is proved. In para 4 of Ex. M 14 the appellate authority observed as follows :—

"The Accountant had deposed in the enquiry that at 4.00 P.M. on 4-9-1973, he had brought Shri Rasheed into his room and reported that the cheque book was lost in transit by Shri Rasheed, that he had interrogated Shri Rasheed as to how he had lost it, that he had obtained a letter from Shri Rasheed on your own and that when Shri Rasheed had called on him on the following day, he had issued him a duplicate cheque book".

Of course the Accountant deposed to that effect. But ex. 2 marked before the Enquiry Officer, and which forms part of Ex. M8 enquiry report, was not considered by the appellate

authority. In para 2 of the above Ex. 2 it was stated as follows :—

"In the evening around 4.00 P.M. when I was busy attending to some other routine work, the current account ledger keeper Shri C. L. V. Prasad (the workman herein), brought Shri Syed Rasheed to my room and stated that the cheque book which he had branded with the branch name stamp and had left on his table for delivery to Shri Rasheed was missing. I asked Shri Rasheed whether he had taken the cheque book in the afternoon".

So in that earlier statement, the Accountant clearly stated that this workman informed him that the cheque book was found missing after he left it on his table and it is not the earliest version of the Accountant that this workman informed him that Shri Rasheed lost the cheque book in transit. As the appellate authority had not even considered this exhibit, he had not discussed as to whether the latter version of the Accountant can be preferred to his earlier version in regard to that aspect.

16. It may be noted that the punishment awarded is stoppage of two increments. I already observed that the finding in regard to charge I cannot be treated as perverse. In view of the gravity of the offence referred to in that charge, this sentence cannot be treated as harsh or unjustified. Hence there is no need to consider as to whether the findings of the disciplinary authority and appellate authority in regard to charges 2 and 3 are plausible or perverse.

17. When this workman asserted that the Management had chosen to proceed against him about more than a year after this incident had taken place, as he left the union patronised by this Management and he joined another union, this Management denied. Except that assertion and denial, there is no material to indicate that the action of this Management is mala fide. Hence in the absence of the necessary material, it cannot be held that the action of this Management is mala fide.

18. There are no circumstances to indicate victimisation or unfair labour practice. The punishment cannot be treated as unduly harsh, nor can it be stated that it is disproportionate to the gravity of the offence. Hence even victimisation cannot be inferred.

19. Hence I find that the action of the Management of State Bank of India, Hyderabad Circle in punishing Sri C. L. V. Prasad, Clerk-cum-Typist, State Bank of India, Gudur Branch, Nallore District with stoppage of increment for two years is just.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 24th day of February, 1981.

V. NEELADRI RAO, Presiding Officer

[No. L-12012/95/78-D.II (A)]

APPENDIX OF EVIDENCE

Witnesses Examined

For Workman:

...NIL...

For Management :

...NIL...

Documents Marked on behalf of the Workman by Consent :

Ex. W1 True copy of the letter dated 20-8-1975 addressed by Sri C.L.V. Prasad to the Enquiry Officer, State Bank of India, Camp Gudur.

Ex. W2 True copy of the letter dated 10-9-1975 addressed by Sri A. Srinivasulu, Enquiry Officer to Sri C.L.V. Prasad.

Ex. W3 True copy of the letter dated 19-9-1975 addressed by Sri C.L.V. Prasad to Sri A. Srinivasulu, Enquiry Officer, Branch Manager, State Bank of India, Nellore Town.

Documents Marked on behalf of the Management by Consent:

Ex M1 Charge sheet dated 24-12-1974 issued by the Management to Sri C.L.V. Prasad.

Ex. M2 Reply to charge sheet submitted by the workman to the Management.

Ex. M3 Order of disciplinary authority appointing Sri A. Srinivasulu, Officer Grade I as Enquiry Officer to conduct domestic enquiry.

Ex. M4 Notice dated 2-7-1975 displayed at Gudur Branch regarding appointment of Enquiry Officer.

Ex. M5 Notice dated 2-7-1975 issued by the Management to Sri C.L.V. Prasad regarding appointment of Enquiry Officer.

Ex. M6 Gudur Branch letter staff/con. dated 1-8-1975 addressed to workman informing the workman to the effect that the Enquiry will be held on 20-8-1975.

Ex. M7 Workman's letter dated 7-8-1975 addressed to Gudur Branch agreeing for the date of enquiry on 20-8-1975.

Ex. M8 Proceedings of the enquiry dated 20-8-1975 together with exhibits.

Ex. M9 Findings of the enquiry officer dated 28-8-1976 in respect of the enquiry conducted at Gudur Branch on the 20th August, 1975.

Ex. M10 Proceedings of the disciplinary authority.

Ex. M11 Letter staff/con. No. 1471 of 29th September 1976 addressed to the workman by the Regional Manager and disciplinary authority conveying the proposed punishment by way of cancellation of annual increments due on 20th February 1977 and 20th February 1978.

Ex. M12 Gudur Branch letter No. F. 25 dated 15-12-76 addressed by Branch Manager to Sri C.L.V. Prasad.

Ex. M13 Final Proceedings of the disciplinary authority letter staff/con. No. 1954 dated 29-12-1976 addressed to workman by disciplinary authority making the punishment absolute.

Ex. M14 letter GMQ No. staff/con. 49 dated 3rd October, 1977 addressed to the workman by the appellate authority dispensing of the appeal filed by the workman.

Sd/-
INDUSTRIAL TRIBUNAL.

New Delhi, the 23rd March, 1981

S.O. 1067.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the management of Dena Bank, Bombay and their workman, which was received by the Central Government on the 28th February, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Complaint No. CGIT-2/1 of 1975

Arising out of Reference No. CGIT-2/9 of 1972

PARTIES :

Shri B. L. Nayak

...Complainant

Vs.

Dena Bank, 17, Horniman Circle, Bombay.

...Respondent

APPEARANCES :

For the Complainant—Shri R. V. Gangal, Advocate.

For the Respondent—Shri S. B. Turkhud, Advocate.

INDUSTRY : Banking

STATE : Maharashtra
Bombay, dated the 20th February, 1981.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act, 14 of 1947 praying the Tribunal to direct the Respondent to allow the complainant to resume his duties at Thana and payment of salary illegally withheld by the Respondent.

Shri R. V. Gangal, Advocate for the complainant submitted on 7th February, 1981 that he was not pressing this complaint as the connected matter Reference No. CGIT-2/2 of 1979 was being disposed of, on merits.

This complaint is accordingly dismissed as not pressed.

P. RAMAKRISHNA, Presiding Officer.

[No. L-12014/4/81-D.II(A)]

N. K. VERMA, Desk Officer

New Delhi, the 16th March, 1981

S.O. 1068.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad and their workmen, which was received by the Central Government on the 3rd March, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 36 of 1978

PARTIES :

Employers in relation to the management of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri G. Prasad, Advocate.

For the Workmen.—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 26th February, 1981

AWARD

By Order No. L-20012/86/76-D.III(A) dated 23rd September, 1978, the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the schedule attached to the order, referred the same for adjudication by this Tribunal. The schedule attached to the order reads thus :

"Whether the action of the management of Messrs Bharat Coking Coal Limited, Post Office Jealgora, District Dhanbad, in dismissing Shri Rajendra Singh, Night Guard of Damoda Colliery, Post Office Karmatand (Via-Mohuda), District Dhanbad, from service with effect from 3rd December, 1975, is justified? If not, to what relief is the said workman entitled?"

2. After notice to the parties they have filed their respective written statements. On behalf of the union a rejoinder has also been filed. One of the pleas taken by the union being that the domestic enquiry held into the charge framed against the concerned workman leading to his dismissal from service was not fair and proper, the question regarding fairness of the domestic enquiry was decided as a preliminary point with consent of parties and by order dated 28th August, 1980 the Tribunal held the enquiry to be fair and proper in all respects.

3. The case of the management as made out in its written statement is that the concerned workman who was a night guard under the management, was on night duty on 8-9-1975 that he was found to be sleeping while on duty at 1-30 A.M., that again at 2.30 A.M. that day when Havildar Giro Singh alongwith others arrived at the duty place of the concerned workman for checking the latter assaulted Giro Singh with a pharsa causing injuries on him. On account of this incident the concerned workman was charged for mis-conduct under Ext. M-1 by the management. The reply of the workman Ext. M-3 to the charge was that the Havildar did not go to the place of the concerned workman between 1.30 A.M. to 2.30 A.M., that when the Havildar went there at 4 A.M. the concerned workman was sitting at the Bungalow with a pharsa, that on reaching the place where the concerned workman was sitting the Havildar tried to snatch away the pharsa from behind by catching hold of its handle and that the workman while preventing the snatch recognised the Havildar and got puzzled. The reply given by the workman was not found to be satisfactory whereupon the management held a domestic enquiry into the charge. In the domestic enquiry the workman was held guilty and the enquiry officer recommended his dismissal. The recommendation having been accepted by the management the latter dismissed the concerned workman from service with effect from 3rd December 1975 by order Ext. M-5. The domestic enquiry was proper and fair in all respects and there was no violation of principles of natural justice therein. The workman having been rightly found guilty in the domestic enquiry the order of dismissal passed against him by the management was justified and could not be interfered with.

The case of the union as made out in its written statement was that the allegations in the charge were false, that the domestic enquiry was not fair and proper, that therefore on the basis of the finding of such enquiry the order of dismissal passed against the workman was not justified, that the order of dismissal passed against the workman under Ext. M-5 was without jurisdiction in as much as the D.I.G. and Chief Security who passed the order of dismissal was not competent to pass the order and that the criminal case instituted against the workman on the very same allegations for which he was chargesheeted by the management under Ext. M-1 having ended in acquittal the order of dismissal could not be said to be justified and hence was liable to be set aside.

4. In course of the hearing the management examined the Personnel Officer in Area No. I as MW-1 to prove that the domestic enquiry was fair and proper. He was the Enquiry Officer himself who enquired into the allegations in the charge. In course of his examination he has proved the various documents relied upon by the management in the enquiry together with the papers relating to the domestic enquiry. A searching cross-examination has been made to this witness and nothing has been elicited to dis-credit him. After going through his evidence and papers relating to the enquiry proceeding above the domestic enquiry has been held to be fair and proper as indicated above. The evidence of the witness is relied upon by the management to establish its case on merit also besides the evidence led in the enquiry.

On the side of the union only the concerned workman was examined. He admits that at the relevant time he was serving as night guard and was on duty at the bungalow of the Sub-Area Manager on the relevant date. He, however, says that he is not under the Chief Security Force who is the head of the Industrial Security Force maintained by the Central Government. According to him Giro Singh Havildar is under the Chief Security Force. The workman deposes that in the criminal case filed against him on the very same allegations on which he was chargesheeted by the management he was acquitted. The judgement in the criminal case is Ext. W-1. In course of cross-examination, however, the witness admits that he is under the administrative control of Chief Security, B.C.C.L. and that the Industrial Security Force maintained by the Central Government is also under the Chief of Security, B.C.C.L. In other words Chief Security Force is not only the head of the Industrial Security Force maintained by the Central Government but is also the head of the Security Force maintained by the Company.

5. Now coming to the evidence led in the domestic enquiry in support of the charge as many as three witnesses including the Havildar Giro Singh have been examined by the management. In support of the defence the workman examined

himself alone. The first witness for the management, namely, Giro Singh says that on 8-9-1975 in the night at 1.30 A.M. he went for checking the night guard posted at Sub-Area Manager's bungalow. He found the concerned workman who was a night guard at Sub-Area Manager's bungalow sleeping on a cot. Seeing the night guard sleeping the witness left the place and came to the S. I. Security Post and informed the S. I. there that the concerned workman on duty was found fast asleep. The S. I. thereafter accompanied the witness Giro Singh and both of them again came to the place of duty of the concerned workman. There they found the concerned workman and another night guard Rajnandan Singh sitting. As soon as Giro Singh reached the place where the concerned workman was sitting the latter challenged Giro Singh as to why he had stolen away the torch. The concerned workman after giving a challenge to Giro Singh threatened him to kill with a pharsa. Thereafter the concerned workman attempted to assault the Havildar with pharsa. On the intervention of S. I. and other people present the witness Giro Singh left the place. While the witness was returning the concerned workman followed him abusing and when Giro Singh was on the steps leading to the Sub-Area Manager's bungalow the concerned workman assaulted him with pharsa and injured him. This evidence is corroborated by S/Shri Narendra Nath Mishra, S. I. and Rajendra Singh. The story told by Giro Singh has been fully corroborated in material particulars by the two other witnesses examined by the management. There is no other evidence except the evidence of the concerned workman to counter the evidence led by the management. The concerned workman while denying the allegation in the chargesheet has admitted in his evidence in the domestic enquiry that he was on duty on the alleged night. He however denies that there was no occurrence as alleged in the chargesheet. The evidence of the concerned workman being interested, the same has not been accepted by the Enquiry Officer. By weighing the evidence on both sides the Enquiry Officer has believed the management's witness and has rejected the testimony of the concerned workman the same being interested. Nothing has been shown to me why the conclusion reached by the Enquiry Officer on the basis of the evidence led by the management should not be accepted. The Enquiry Officer has given reasons in support of his findings. I have myself gone through the evidence led before the Enquiry Officer and examined the reasons given by him in support of his findings. I do not find any inherent lacuna in the reasonings given by the Enquiry Officer. The reasonings also do not appear to be perverse. A reasonable man can arrive at a finding at which the enquiry officer has arrived on the evidence led before him. That being so while accepting the findings of the Enquiry Officer I hold that the case against the concerned workman has been amply proved and that he had been rightly found guilty of the misconduct for which he was chargesheeted.

6. The only other contention raised by Mr. Bose for the union is that the Chief Security who passed the impugned order of dismissal is not competent to pass the order. A plea to this effect has been taken in paragraph 10 of the written statement of the union. To counter act this management has filed a document Ext. M-6 which shows that the Director, Administration has empowered the Chief Security to dismiss and appoint a workman belonging to the Security staff of the management. It is an admitted position that the Chief Security is the Head of the Industrial Security Force maintained by the Central Government. That apart the management also maintains a Security Force for protection of its property. The Head of the Industrial Security Force maintained by the Central Government is a D.I.G. who also remains in charge of the Security Force maintained by the company. He is invariably an officer of the Police Department who on deputation works as Chief Security of the Industrial Security Force maintained by the Central Government. The practice being that the D.I.G. who is the Chief Security of the Industrial Security Force maintained by the Central Government is also the Chief Security of the Security Force maintained by B.C.C.L., he controls both the Forces. As Head of the Security Force belonging to B.C.C.L., the Chief Security is invested by the Director Administration of B.C.C.L. with power to appoint and dismiss persons belonging to the Security Force of the company. Ext. M-6 is the document which shows that the Chief Security of the Security Force maintained by the Company who is also the Chief Security of the Industrial Security Force maintained by the Central Government has been invested with powers of dismissal of personnel belonging to the Security Force of the company. No plea has been

taken in the written statement of the union that the Director Administration who is shown to have invested the Chief Security with power of dismissal under Ext. M-6 was himself not competent to invest the Chief Security with any power. When the management filed Ext. M-6 to show that the Chief Security had the power to dismiss the concerned workman at the relevant time an argument was advanced by Sri Bose on behalf of the union that the management should have proved that the Director Administration while investing the Chief Security with power of dismissal had himself the power to do so being authorised by the Board of Directors. It is further argued that the Director Administration who delegated powers of dismissal to the Chief Security under Ext. M-6 was not in office at the time when the impugned order of dismissal was passed. None of these pleas are available to the union. Had the authority of the Director, Administration been challenged in the written statement the management could have been asked to prove the same. In the absence of any challenge it cannot now be said that the Director, Administration had no power to delegate power of dismissal to the Chief Security. The only plea taken in the written statement was that the Chief Security was not competent to pass the impugned order of dismissal. That plea has been fully met by Ext. M-6. The further argument that at the time when the order of dismissal was passed the Director, Administration who has delegated the power of dismissal to the Chief Security under Ext. M-6 was not in office cannot be accepted. Once authenticity of Ext. M-6 is accepted then it must follow that the Director, Administration delegated power of dismissal to the Chief Security under Ext. M-6. Thereafter even if the same Director Administration was not in office when the impugned order of dismissal was passed that would not effect the delegation in favour of the Chief Security. One power is delegated to a delegated, he holds that power till it is withdrawn. For all these reasons while negating the contentions of Mr. Bose I hold that the impugned order of dismissal is a valid one having been passed by a competent authority. Thus Ext. M-6 shows that the order of dismissal to be passed by Chief Security must be according to rules. The word 'rules' used in Ext. M-6 is admitted to be the provisions of the Model Standing Orders which is applicable to the colliery in question. Paragraph 17(ii) of Model Standing Orders provides that approval of the owner, agent or the chief mining engineer of the employer or a person holding similar position shall be obtained before imposing a punishment of dismissal. It is contended by Mr. Bose that the Chief Security in the present case is neither the owner nor agent nor chief mining engineer and there is nothing to show that he is a person holding similar position. Therefore according to Mr. Bose the order of dismissal passed by the Chief Security is invalid. I am afraid such a contention is not tenable. The provision clearly says that a person holding position similar to owner, agent or chief mining engineer of the employer can pass an order of dismissal. The owner in the present case is the company represented by the Board of Directors. As I have already stated there is no challenge to the position that the Director, Administration who is always a member of the Board of Directors does not represent the company as its owner and does not exercise all the powers of an owner including power of delegation. So, therefore, the position is that the Director, Administration represents the company as its owner and so when he delegates powers of appointment and dismissal to Chief Security the latter becomes a person holding position similar to that of an owner or agent or of a chief mining engineer as provided in the Model Standing Orders. In that view, therefore, it follows that rules as mentioned in Ext. M-6 have been duly complied with while imposing the impugned order of penalty of dismissal against the concerned workman.

7. For the reasons stated above I do not find any merit in the case of the union and I hold that the misconduct alleged in the chargesheet Ext. M-1 has been proved against the concerned workman. The misconduct thus proved being of a serious nature the punishment of dismissal imposed on the concerned workman is justified. The said order does not call for any interference. The reference is answered accordingly. There will be no order for costs.

B. K. RAY, Presiding Officer

[No. L-20012(86)/76-D. III(A)]

A. V. S. SARMA, Desk Officer